



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 09-20-07

MEMORANDUM

DATE: September 7, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Robert A. Kronenberg, *RAK*
Acting Supervisor
FROM: Development Review Division
Melanie Moser
Development Review Division
(410) 889-0599



REVIEW TYPE: **Site Plan Review**
CASE #: **82005003A**
PROJECT NAME: **Westfield Montgomery, Parcel A**
APPLYING FOR: A total of 1,601,556 square feet of commercial retail space, including 59,384 square feet of new space for retail and restaurant uses; and a parking waiver to allow a reduction in the number of spaces and to allow modification of the size of parking spaces in the parking structure. The new square footage includes 25,005 square feet from the existing strip center that has been acquired and included in the gsfc of the mall operations.
REVIEW BASIS: Section C-4.351 of the Zoning Ordinance requiring site plan review for a development containing a building that exceeds 42 feet in height.
Div. 59-D-3 of Montgomery County Zoning Ordinance
ZONE: C-2
LOCATION: Northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive.
MASTER PLAN: Potomac Subregion Master Plan
APPLICANT: Montgomery Mall LLC
FILING DATE: June 14, 2006
HEARING DATE: September 20, 2007

SUMMARY

Background

Westfield Montgomery, or Montgomery Mall as it is popularly known, is located on property managed by Westfield, Inc., currently comprising approximately 60 acres of land. The original mall property was classified by the County Council on April 22, 1958 as C-2 (General Commercial) pursuant to Zoning Application, B-573. In July 1966, the Montgomery County Planning Board approved a subdivision of "Parcel F, Lakeview", which was recorded in Plat Book 81 at Plat No. 8390. Building permits were issued, and the Montgomery Mall opened as a regional mall in March of 1968. The Nordstrom's wing of the mall was added to the Mall in 1991, as a "loophole project," and was approved through the building permit process. No other major building additions have occurred since that time. In the summer of 2004, the Applicant submitted an Application for a Preliminary Plan of Subdivision, (No. 1-05018) and an Application for Site Plan (No. 8-05003). On January 27, 2005, the Planning Board held a public hearing following which it approved both the Preliminary Plan (entitling development of an additional 500,000 square feet of new retail space) and the Site Plan for the Project (approving about 308,000 square feet of new retail) subject to various conditions.

Proposal

The Applicant has now submitted amendments to both the approved preliminary plan and the site plan. The amendment of the preliminary plan seeks incorporation of Parcel B, the Westlake Crossing lot, which Westfield acquired in 2006, within the regional mall lot along with its 25,005 sf of GLA. The purpose of the site plan amendment, as filed in 2006, was to authorize the build out of 525,000 sf of new retail development, incorporating the previously approved 308,000 square-feet from the 2005 site plan. In August 2007, the Developer filed a revision to the site plan request, reducing the site plan application to approximately 359,000 square feet, or 334,356 sf of "new" retail, plus the 25,005 sf from the strip center. As a result the amendment to the site plan represents an increase, excluding the strip center area, of about 26,000 sf of new retail, over its previous 2005 site plan approval. The total GLA for the amended site plan will be just over 1,601,000 sf, while the preliminary plan will be for 1,767,000 square feet.

The current application proposes a 1,601,556-square-foot development including 59,384 square feet of new space for retail and restaurant uses in the existing Montgomery Mall and a parking waiver to allow a reduction in the number and size of spaces. The new square footage includes 25,005 square feet of the existing strip center that has been acquired and included in the gsf of the mall operations. This is an increase of 59,384 gross square feet of development from the originally approved site plan in January 2005, which was approved for 1,542,172 gross square feet. The development will include both the addition of new retail and restaurants and renovation of existing retail space, specifically, the creation of a 'lifestyle center' with outward facing retail and restaurants along Westlake Drive and Westlake Terrace, surface parking. The Westlake Terrace retail expansion includes freestanding retail that flanks the ring road entrances from Westlake Terrace and the Macy's store, relocation of the Sears Automotive store near the proposed Transit Center, two new parking structures and closure of existing access points along Westlake Drive.

Issues

The issues addressed during review include pedestrian safety and connectivity specifically along Westlake Drive, appearance of the parking structure and streetscape improvements along Westlake Drive, location of the transit center and vehicular access to the mall. During the course of the review, the Applicant revised their plans to reduce the square footage of the mall, including minimizing the size of the parking structure on Westlake Drive by approximately 50 percent, continued to focus on pedestrian circulation and safety and expanded the retail face at the intersection of Westlake Drive and Terrace. Specific details of the pedestrian connection and street improvements on Westlake Drive will be resolved at permitting with coordination from DPW&T, M-NCPPC Staff and the Applicant.

Community Outreach

The Montgomery Mall Citizens Association Advisory Panel ("MMCAP") consists of a number of civic and homeowners associations in the vicinity of Montgomery Mall and have been very active in the review of the proposed expansion, providing comments on the design and offering concerns about the impacts of the increased retail to the surrounding area. The concerns revolved primarily around pedestrian safety on Westlake Drive and recommended improvements to the road, appropriate treatment of the proposed parking structures along Westlake Drive and overall transportation improvements associated with the proposed mall operations. Although concerns were voiced about the location of the transit center, that change was approved in 2005 and remains unchanged with this amendment. The Applicant presented the proposed development to MMCAP and Staff on several occasions, even revising the plan to address safety and aesthetic concerns regarding the expansion. Written comments from MMCAP are provided herein.

STAFF RECOMMENDATION: Approval of 1,601,556 gross leasable square feet of commercial retail space, including 59,384 square feet of new space for retail and restaurant uses; and approval of a parking waiver to allow a parking ratio of 4.5 spaces for each 1,000 square feet of gross leasable area, and to allow modification of the size of angled parking spaces and of the width of drive aisles in a parking structure., on 60.02 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on August 3, 2007 shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120050180, or as amended with the concurrent review.
2. Site Design
 - a. The total number of parking spaces on site shall be 7207.
 - b. A comprehensive signage and way-finding program for the parking garages shall be provided on the certified site plan.
3. Landscaping
 - a. Remove the non-native/invasive plant material from the plant schedule.
4. Lighting

- a. Cumulative light levels from the parking structure on Westlake Drive shall be less than 0.5 footcandles at the right of way line on the east side of Westlake Drive.
- b. Pedestrian level lighting shall be provided on all walks to the mall from adjacent roads.
- c. Except for a limited number of lights left on for safety and security, lights will be turned off in the parking structure adjacent to Westlake Drive. The security lighting plan shall be developed and included in the certified site plan.
- d. The height of the on-site light poles associated with the surface parking facilities shall be limited to 18 feet, including the mounting base.

5. Pedestrian Circulation

Pedestrian access to the mall from Westlake Drive and Westlake Terrace shall be provided during all construction phases. A pedestrian circulation plan, including signage, shall be included as part of the certified site plan indicating alternative pedestrian routes during the construction phases.

6. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated September 7, 2007 [Attachment C]:

- a. The square footage of the subject preliminary plan and site plan must be equal to the previously-approved square footage of commercial development under Preliminary Plan No. 1-05018 and Site Plan No. 8-05003 on Parcels F and P587 plus the recently-acquired adjoining Westlake Crossing, Parcel "B" Lakeview. Limit the maximum square footage of general retail use as follows.
 - 1) The preliminary revision must be limited to a maximum of 1,767,177 sf of gla of general retail uses.
 - 2) The site plan amendment must be limited to a maximum of 1,567,177 sf of gla of general retail uses.
- b. The applicant must dedicate and provide public improvement easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
 - 1) The applicant must dedicate 10 feet minimum of right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
 - 2) The applicant must provide a 2-foot-wide PIE along eastern side of Westlake Drive for a 2-foot-wide offset from the proposed shared use path/off-road bike path.
 - 3) The applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to 5 feet wide at no cost to the County or the Applicant to permit a landscape panel between the curb and sidewalk prior to certification of the site plan.
- c. The applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
 - 1) A 2-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE.
 - 2) An 8-foot-wide shared use path/off-road bike path along the east side.
 - 3) A 5-foot-wide landscaped panel with street trees and utilities on east side adjacent to the curb, that may be differ on the intersection approach to Democracy Boulevard.

- 4) An 11-foot-wide outer northbound through lane that includes a 1-foot-wide curb/gutter on the west side.
- 5) A 10-foot-wide inner northbound through lane.
- 6) An 8 foot-wide raised median with 1-foot curbs on each side or a 10-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
- 7) Two 10-foot-wide southbound through lanes.
- 8) A 4-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
- 9) A 5-foot-wide sidewalk on west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to 5 feet wide. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to 5 feet wide with street trees (i.e., only if the PIE is a full 5 feet wide) and utilities between bike lane and relocated sidewalk.

The detailed final cross-section must be approved by the Planning Board staff and the Montgomery County Department of Public Works and Transportation (DPWT) and in consideration of the community's needs prior to certification of the site plan.

Westlake has committed to putting in the median if approved by DPWT or provide an alternative means of providing safe passage.

- d. The applicant must continue consideration of the request of the adjacent homeowners groups for a possible pedestrian mid-block crossing of Westlake Drive between Westlake Terrace and the shopping center's proposed consolidated site access point. Such a mid-block crossing must include a raised median to function as a pedestrian refuge and satisfy DPWT's design standards for pedestrian safety. If satisfying DPWT design requirements, the mid-block must be shown on the plans prior to certification of the site plan.
- e. The applicant must relocate the pedestrian access to the street-level retail along Westlake Drive in the northwest corner of the site to better align with the pedestrian mid-block crossing, if it satisfies DPWT design requirements. The relocated pedestrian access must be shown on the plans prior to certification of the site plan.
- f. To accommodate the proposed Westlake Drive cross-section above, the applicant could reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane only if approved by DPWT prior to certification of the site plan.
- g. The applicant must provide adequate traffic control for the eastbound ring road approach of the shopping center's access point at Democracy Boulevard as required by the Montgomery County Department of Permitting Services (DPS). The additional traffic control must be shown on the plans prior to certification of the site plan.

- h. The applicant must relocate the steps outside the right-of-way for the intersection truncation at the southeast corner of Westlake Drive and Westlake Terrace. The relocated steps must be shown on the plans prior to certification of the site plan.
 - i. The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
 - j. The applicant must provide 20 bike racks and have their locations be approved by Transportation Planning staff prior to certification of the site plan.
 - k. The applicant must retain all transportation-related conditions of approval in the Planning Board's opinion as described in the Transportation Planning staff memorandum dated January 20, 2005, unless modified by the recommendations above.
7. Transit Center
The Applicant shall comply with the conditions of approval in the memorandum from the Department of Public Works and Transportation in the letter dated August 30, 2007, specifically the program of requirements listed in the January 27, 2005 letter for the Montgomery Mall Transit Center [Attachment C].
8. Development Program
Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. Development Program shall include a phasing schedule as follows:
- a. The proposed new or relocated sidewalks and bike paths along Democracy Boulevard, Westlake Drive, and Westlake Terrace shall be completed prior to occupancy of any new retail store in the first phase of development.
 - b. Street tree planting shall progress as the proposed sidewalk/bike path is completed, but no later than six months after completion of the sidewalk/bike path.
 - c. The proposed new Transit Center shall be completed by the Applicant and accepted by the Montgomery County Department of Public Works and Transportation prior to removal of the existing on-site transit facility.
 - d. Landscaping, lighting and pedestrian pathways associated with each parking facility/structure and building shall be completed as construction of each facility is completed.
 - e. Provide each phase of the development with required parking spaces, excluding the impact during the construction period.
 - f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - g. Provide each section of the development with necessary roads.
 - h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
9. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of the certified site plan.
10. Certified Site Plan
Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, site plan index, and site plan resolution.
- b. The correct number of parking spaces shall be confirmed.
- c. Limits of disturbance.
- d. Resolution of all transportation issues.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. Details of the signage and wayfinding program.
- g. Security lighting plan.

SITE PLAN REVIEW ISSUES

I. Parking Waiver

Section E-3.7 of the Zoning Ordinance provides that 5.5 parking spaces for each 1,000 gross leasable square feet must be provided for a regional shopping center. The expanded mall will have 1,601,556 square feet; consequently, 8,809 spaces are required. The applicant requests a parking waiver to allow 4.5 spaces per 1,000 gross leasable square feet or 7,177 total spaces for the mall. The requested waiver represents a reduction of 1,572 parking spaces or 18 percent of the required number. A waiver to allow 4.5 spaces per 1,000 gross leasable square feet was approved with the original 2005 site plan; however, this request would allow for 30 fewer spaces than previously approved.

In addition, the Ordinance in Section E-2.22 requires a minimum 'standard' parking space of 8'-6" by 18'-0". Up to 20% of the stalls may be 8'-0" by 17'-6" for employee use, and up to 10% of the stalls may be small car spaces of 7'-6" by 16'-6". When perpendicular (90 degree) parking is used, the required drive aisle for all of the above stall sizes is 20 feet, with a resulting total size of 56 feet for the module. The applicant requests an adjustment of the module for angled parking in the parking structure as follows:

1. An 8'8" stall at 75 degrees on a module of 56 feet; and
2. An 8'8" stall at 65 degrees on a module of 54 feet.

Applicant's Proposal (or Position)

The requested waiver for a parking ratio to 4.5 spaces per 1,000 gross leasable square feet would be representative of other regional shopping centers nation-wide and in the Washington metropolitan area. The table below summarizes the changes in dimensions of the parking spaces.

	Dimensions in (or based on) County Ordinance				Mathematically Correct for 8'-6" by 18' rectangular stall rotated to angle		
	Short side of parallelogram	Long side of parallelogram	Effective width/length Of stall	Stall projection perpendicular to aisle**	Short side of parallelogram	Long side of parallelogram	Stall projection perpendicular to aisle**
90 degrees	8.5'	18'	8'6"/18'0"	18'0"	8'6"	18'0"	18'0"
75 degrees	10'	23'	9'8"/20'5"	22'3"	8'10"	20'3"*	19'7"
65 degrees	10'	23'	9'1"/18'9"	20'10"	9'5"	22'0"	19'11"
60 degrees	10'	23'	8'8"/18'1"	19'10"	9'10"	22'11"*	19'10"
45 degrees	12'	26.5'	8'6"/18'0"	18'9"	12'0"	26'6"	18'9"

- All dimensions rounded to nearest whole inch

****** This dimension X 2 (for two rows of stalls) is added to aisle width for wall to wall module

Staff Analysis/Position

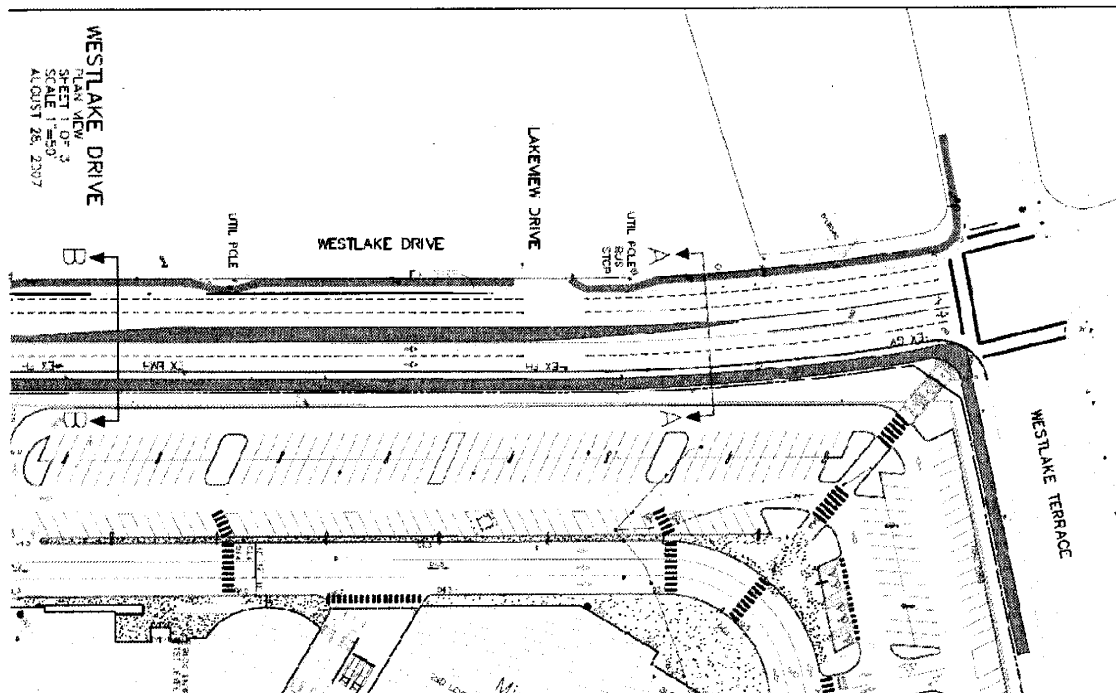
Besides the originally requested waiver to reduce the parking ratio below 5.5 spaces per 1,000 sf gla, the applicant is now requesting an additional parking waivers. Staff supports the parking waiver for 30 fewer spaces because it is an insignificant number and could help to discourage vehicular trips and convince motorists to use non-auto transportation modes such as buses serving the proposed on-site transit station. Staff also agrees with DPS in their support of the waiver for the parking space size and aisle width as stipulated in Section 59-E-1.

II. Improvements to Westlake Drive

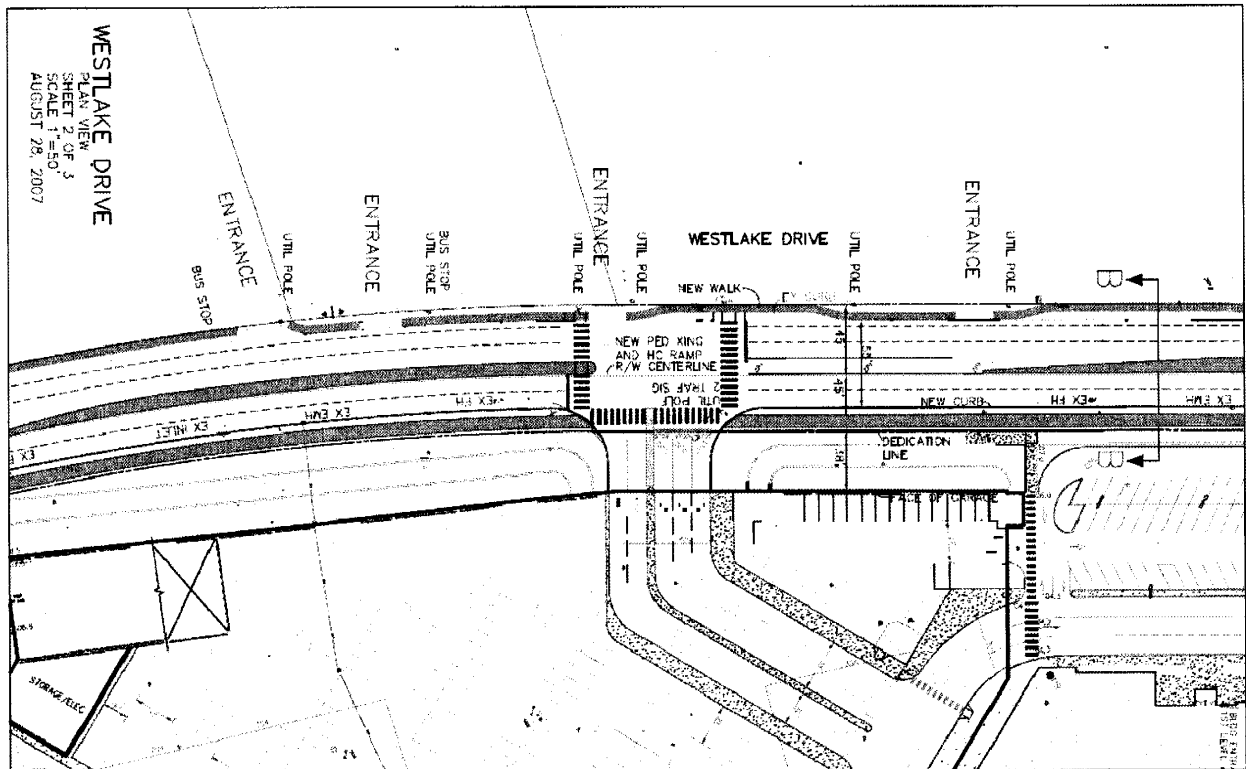
The improvements to Westlake Drive include not only the changes to the road sections and inclusion of a median, but the appearance of the proposed parking structure along the east side of the street. The primary focus of this review was pedestrian safety, traffic calming and the character of the street as it relates to height and massing of the structures and the landscaping treatment on the structure façade.

Applicant's Proposal (or Position)

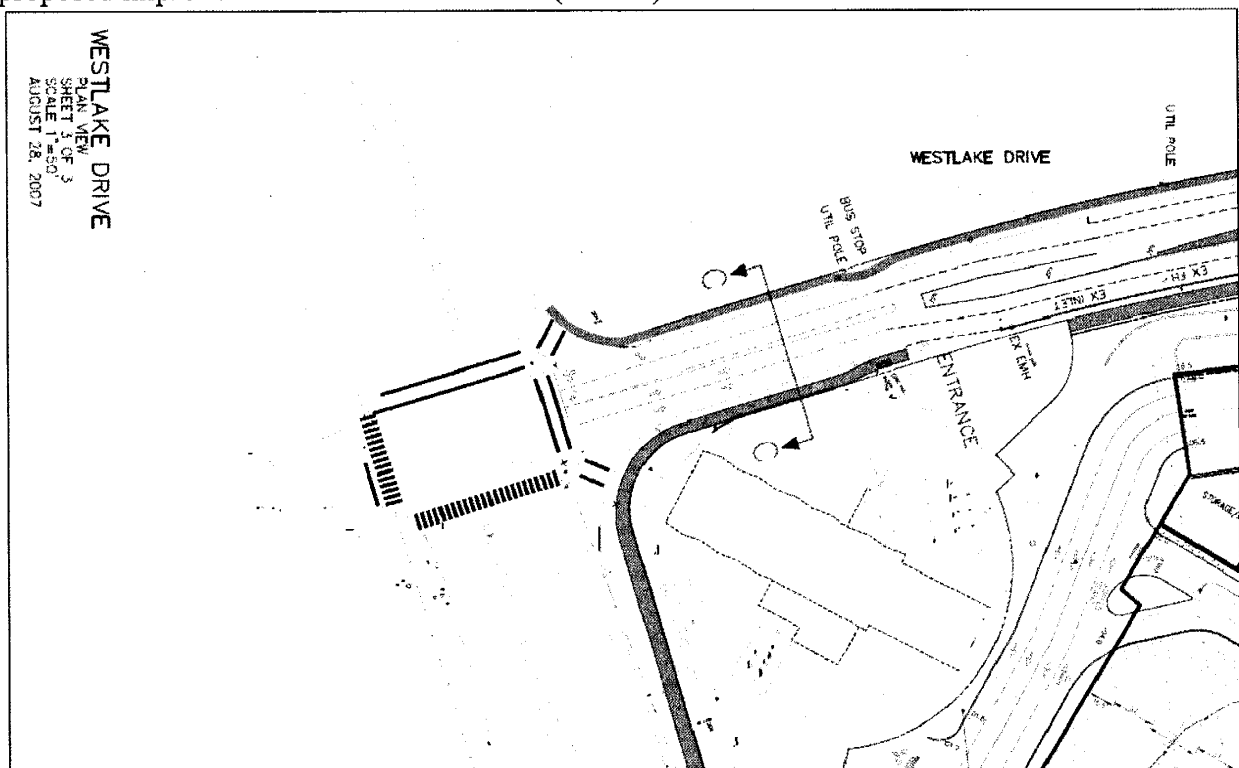
The Applicant has committed to the relocated road sections and improvements to Westlake Drive in order to provide improved vehicular circulation while continuing to focus on pedestrian safety. The Applicant believes the addition of the path, median improvements and elimination of four vehicular access points on Westlake Drive will enhance the street character and provide for an improved pedestrian circulation.



Applicant's plan of the proposed improvements to Westlake Drive (shaded)



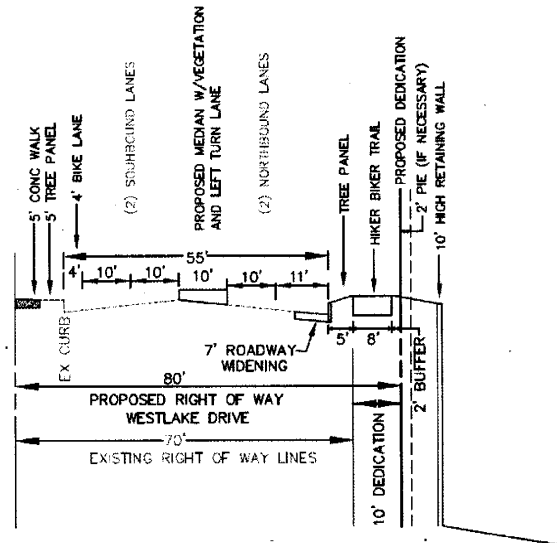
Continuation of the Applicant's plan from Westlake Terrace toward Democracy Blvd. of the proposed improvements to Westlake Drive (shaded)



Continuation of the Applicant's plan from Westlake Terrace toward Democracy Blvd. of the proposed improvements to Westlake Drive (shaded)

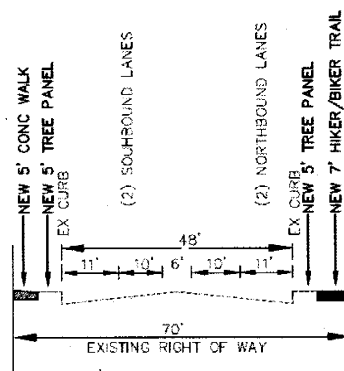
WESTFIELD SHOPPINGTOWN MONTGOMERY

PROPOSED RIGHT OF WAY IMPROVEMENTS PER COUNTY/RESIDENTS



SECTION A-A & B-B

SCALE HZ 1" = 20'
SCALE VT 1" = 5'



SECTION C-C

SCALE HZ 1" = 20'
SCALE VT 1" = 5'

AUGUST 28, 2007

Cross-section of the proposed road improvements

Community Position

The primary concern addressed by the community is the need for pedestrian safety, coupled with the visual components of the improvements to Westlake Drive. The Community has voiced concerns over pedestrian safety, pedestrian refuge islands, mid-block crossings and minimizing vehicular traffic on Westlake Drive.

Staff Analysis/Position

The Applicant is proposing to dedicate 10 feet of additional right-of-way along the east side of Westlake Drive to account for improvements to the road, including an 8-foot-wide shared-use path/off-road bike path, a five-foot wide landscape panel for shade trees, a 10-foot and 11-foot-wide through lane on the east side, 8-foot-wide raised median and two 10-foot-wide lanes on the west side. The Applicant and DPWT will need to continue working with property owners on the west side to provide for additional area for sidewalk, landscape panel and street trees and median improvements within the right-of-way.

The detailed final cross-section must be approved by the Planning Board staff and the Montgomery County Department of Public Works and Transportation (DPWT) and in consideration of the community's needs prior to certification of the site plan.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located on the west side of I-270, between Democracy Boulevard and Westlake Terrace. It is bounded by Westlake Drive to the west and served by two freeway interchanges to the east. The property confronts multi-family housing in the R-20, R-30 and RH zones on the west side of Westlake Drive, and C-2 development on the north side of Westlake Terrace. Rock Spring Corporate Office Park is located across I-270 from the site to the east. Across Democracy Boulevard to the south are existing RT zoned townhouse communities. A small shopping center (Westlake Crossing) and an Exxon and Shell gas station are located between the Mall and Westlake Drive. This amendment would incorporate Westlake Crossing into the boundaries of the Mall.



PROJECT DESCRIPTION: Site Description

The 60-acre site is currently developed with a 1,242,172 square foot regional shopping center and associated parking. There are two vehicular access points on the Democracy Boulevard and Westlake Terrace frontages and five on Westlake Drive. A ring road links the entrance drives with all of the parking facilities. A bus transit center is located in the northwestern portion of the site near the entrance drive off of Westlake Terrace. There are no stream buffers, floodplains or wetlands on the subject property. The subject property is entirely within the Cabin John Creek sub watershed of the Middle Potomac watershed.



PROJECT DESCRIPTION: Proposal

The subject expansion plan for Westfield Montgomery Mall proposes to increase the gross leasable area (GLA) by 59,384 square feet of new commercial retail space, to a total of 1,601,556 square feet. The 2005 site plan was approved for an increase of approximately 300,000 square feet, representing an increase of approximately 25 percent. This amendment represents an increase of 4 percent, including 25,002 square feet of an existing strip center in an outparcel at the corner of Westlake Drive and Westlake Terrace, and 34,379 square feet of new additional retail space. The plan includes both the addition of new retail and restaurants and renovation of existing retail space as listed below:

- Creation of a 'lifestyle center' with outward facing retail and restaurants along Westlake Drive and Westlake Terrace and surface parking. The Westlake Terrace retail expansion includes freestanding retail that flanks the ring road entrances from Westlake Terrace.
- Expansion of the Macy's store.
- Relocation of the existing Sears automotive store and construction of a new store near I-270.
- Relocation and renovation of the food court.
- Removal of three existing bus bays and construction of a new six bus bay transit center at the corner of I-270 and Westlake Terrace.
- Provision of two new parking structures: a five level garage located west of the new transit center, and a five level garage located on Westlake Drive.
- Realignment of the ring road.
- Closure of four existing road access points along Westlake Drive.



Applicant's perspective of the view of the mall from Westlake Terrace



Applicant's illustrative of the entrance to the proposed parking garage on Westlake Drive





Applicant's illustrative of the proposed retail at the intersection of Westlake Drive and Westlake Terrace

The project is expected to begin construction early winter of 2008 and open in phases over a four and a half year period as follows:

- First phase includes the two new parking structures, the transit center, the Sears automotive center and a portion of the 'Bowl' (lifestyle center)
- Second phase includes the Sears expansion; demolition of the existing strip center, the Sears automotive and existing parking structure on west side; another portion of the 'Bowl'; and a section of the new ring road.
- Third phase includes the new food court, the Westlake Drive – facing retail and further improvements to the ring road.
- The final phase includes reconstruction of the old food court.

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

The preliminary plan of subdivision (120050180) was approved by the Planning Board on January 27, 2005 (opinion dated April 25, 2005) for 1,742,172 of gross leasable area on 57.72 acres.

Site Plan

The Site Plan (120050030) was approved by the Planning Board on January 27, 2005 (opinion dated April 25, 2005) for 1,542,172 of gross leasable area on 57.72 acres.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (C-2 Zone)

Zoning Ordinance Development Standard	Permitted/ Required	Approved with Site Plan 820050030	Proposed for Approval 82005003A
Min. Tract Area (ac.):	Not Specified	57.72	60.02
Max. Floor Area Ratio (FAR)	1.5		0.746
Gross Leasable Area (gla):	1,742,172	1,542,172	1,601,556
Min. Building Setbacks (ft.)			
Front (public street)	10	10	10
rear yard	0	0	0
side yard	0	0	0
Min. Residential Setback (ft.)	30	35	35
Min. Green Area (%)	10 (6.0 acres/ 261,360 sf)		15.6 (9.36 acres/ 408,083 sf)
Min. Internal Lot Landscaping (%):	5	5	5.3
Max. Building Height (ft.):	42	42	42
Parking Spaces (Based on total center GLA of 1,601,556@4.5 stalls/1,000 GLA)			
Existing Spaces to Remain (Existing spaces = 6,405 minus 3,350 to be removed)		3,065	3,065
New Spaces			
Garage 1 (Westlake Drive)		2,798	2,768
Garage 2 (Transit Center/I-270)		603	603
Surface Parking		697	697
Surface Parking at Sears TBA Lot		44	44
Total		7,207	7,177*

*Waiver submitted pursuant to Division 59-E-2.22 requires a minimum 'standard' parking space of 8'-6" by 18'-0". Up to 20% of the stalls may be 8'-0" by 17'-6" for employee use, and up to 10% of the stalls to be small car spaces of 7'-6" by 16'-6". When perpendicular (90 degree) parking is used, the required drive aisle for all of the above stall sizes is 20 feet, with a resulting total size of 56 feet for the module. The applicant requests an adjustment of the module for angled parking in the parking structure as follows:

1. An 8'8" stall at 75 degrees on a module of 56 feet; and
2. An 8'8" stall at 65 degrees on a module of 54 feet.

ANALYSIS:

Transit Center

One of the concerns expressed by the citizens is the location of the transit station. Based on the *Potomac Subregion Master Plan* and the *North Bethesda/Garrett Park Master Plan*, the station was originally envisioned to be located in the northwest corner of the Mall. However, DPWT staff requested that the transit center be relocated in the northeast corner adjacent to I-270 to provide a better connection to potential future Transitway/Metrorail link to Northern Virginia along I-270 and I-495. The Planning Board approved the location of the new and expanded transit center in its Resolution of April 28, 2005, for Preliminary Plan No. 12005018. The subject preliminary plan and site plan amendments do not alter that location.

FINDINGS: For Site Plan Review

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

An approved development plan or a project plan is not required for the subject development.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the C-2 zone as demonstrated in the Project Data Table on page 11. The requested parking waiver to allow a parking ratio of 4.5 spaces for each 1,000 square feet of gross leasable area, and to allow modification of the size of angled parking spaces and of the width of drive aisles in a parking structure satisfies the zoning ordinance requirements.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. **Locations of buildings and structures**

The location of the buildings and structures are adequate, safe and efficient.

The proposed mall expansion will add new retail space to the existing mall and increase the footprint of the existing building at the north, east and western ends of the mall. A freestanding building will be constructed near the northeastern corner of the site to accommodate the relocated Sears Automotive store. Two 5-story parking structures are proposed: one adjacent to the Sears Automotive store and proposed Transit Center; and an additional structure along Westlake Terrace to provide spaces for the additional retail use.

A retaining wall is proposed along the Westlake Drive frontage in the area where the existing retail is presently located. The wall will vary in height from 6 feet to approximately 14 feet, which will separate the surface parking facility associated with the street oriented retail at the entrance to the mall and the vehicular and pedestrian circulation along Westlake Drive. The wall serves two purposes: 1) provide for the change in grade from street level to proposed retail; and 2) direct pedestrians to only two points of access to the retail, negating the desire for mid-block pedestrian crossings.

b. Open Spaces

The location of the open space is adequate, safe and efficient.

The existing shopping mall and parking encompass the majority of the site, with open space and green areas along the perimeter of the site and within planting islands. The proposed mall expansion will utilize some of the surface parking areas for additional retail space and accommodate the parking need through structured parking. The plan proposes 9.36 acres of open space, or 15.6 percent of the property as green area, which includes sidewalks, landscaped islands in the parking areas, and landscaped space between the buildings and along the street frontages. This represents a 5 percent increase in the requirement of the zone.

c. Landscaping and Lighting

The landscaping and lighting associated with the proposed development is adequate, safe and efficient.

The proposed landscaping on the site consists of landscaped islands within the parking areas, between the buildings and along the street frontages. The Applicant is also providing a green screen along the façade of the parking structure on Westlake Terrace. The parking structure is set back from the right-of-way to allow for terraced planting of evergreens and deciduous shrubs and trees. Street trees will be planted along the street frontages, between the relocated sidewalks and curbs.

The lighting plan provides five separate zones for the parking areas to account for the surface parking facilities, the parking structures and pedestrian zones. The heights of the light poles, including the mounting base, are 18 feet in height to minimize the impact of glare and light spill-over on adjacent residential communities. All light fixtures will be full cut-off fixtures and deflectors or shields will be placed on fixtures causing a negative impact on adjacent properties.

d. Recreation Facilities

Recreation facilities are not required for the proposed commercial development.

e. Pedestrian and Vehicular Circulation Systems

Access points to the site are to be provided from Democracy Boulevard, Westlake Drive and Westlake Terrace. The primary change to the access points along Westlake Drive include the elimination of four existing vehicular access points into the existing shopping center. The internal ring road links the entrance drives with the primary access points to the site and to the proposed and existing parking facilities.

A bus transit center is currently located in the northwest portion of the site with direct access from Westlake Terrace. The Applicant is committed to constructing a new Transit Center in the northeastern corner of the site, with direct access from Westlake Terrace. The Transit Center will include six bus bays to accommodate current and future transit needs. The Applicant is also providing safe and convenient pedestrian access from the transit center to the mall and sidewalk system.

This site is located within the boundary of the North Bethesda TMD but outside the North Bethesda/Garrett Park Planning Area. The TMAg will be signed and executed by all parties prior to certification of the site plan.

The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-31 (shared use path and bike lanes) along Westlake Drive between Westlake Terrace and Democracy Boulevard. However, the County needs an additional 10 feet of right-of-way from the west side in order to accommodate the on-road bike lanes. The proposed cross section will implement the southbound bike lane. The northbound bike lane will be implemented in the future if and when the additional right-of-way from west side is dedicated or purchased by the County. The *Master Plan* recommends a shared use path on the west side of Westlake Drive along the applicant's property frontage. The sidewalk along the west side of Westlake Drive can be upgraded with a landscape panel between the curb and sidewalk if the property owners grant a 5-foot-wide PIE to the County.

The internal pedestrian circulation reflects a parking garage along Westlake Drive in the northwest corner of the site while providing a pedestrian connection to street-level retail uses for the local residents who previously patronized the Westlake Crossing shopping center.

A pedestrian mid-block crossing of Westlake Drive is being considered by DPWT with this proposal. The residents of the communities on the west side of Westlake Drive walked across Westlake Drive to Lakeview Crossing Shopping Center that served as their local shopping center. As an alternative, the applicant proposes street-level retail in the northwest corner of the site. A raised median is needed to accommodate pedestrians for a mid-block crossing of Westlake Drive between Westlake Terrace and the street-level retail. Improvements to the street section within the right-of-way will need to incorporate DPWT's design standards for pedestrian safety. A mid-block crossing would be located between Westlake Terrace and the vehicular access point along Westlake Drive if approved.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The elements of the proposed plan are compatible with other uses and other site plans in the surrounding neighborhood and community.

The proposed expansion will add new retail space and structured parking to the existing facility. The use remains the same as the current development on the site. The existing and proposed use is compatible with the surrounding development. The parking garage along Westlake Drive has been sensitively designed to minimize visual and spatial impacts on the adjacent residential communities through architectural treatments, buffer planting along the street to provide a human and pedestrian scale, planting on the structure itself and on the rooftop deck of the structure.

The pedestrian safety concerns address specific compatibility concerns for resolved conflicts between vehicles and pedestrians and increased attention given to the massing along Westlake Drive.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The site does not contain any forest, wetlands or other environmental features; however, the Applicant is still subject to forest conservation law and subject to an 8.59-acre planting requirement. The Applicant is proposing to satisfy the requirements of the forest conservation law through a combination of on-site landscape planting and an off-site forest mitigation bank.

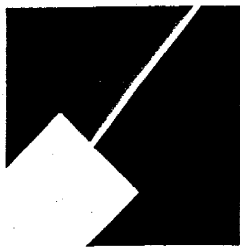
The proposed stormwater management concept consists of (1) on-site channel protection measures via an off-site retention pond; and (2) on-site water quality control via stormfilters or MCDPS approved equivalent structures.

ATTACHMENTS

- A. Planning Board opinion for Preliminary Plan 120050180.
- B. Planning Board opinion for Site Plan 820050030
- C. Memoranda from agencies
- D. Correspondence from the applicant
- E. Correspondence from community

ATTACHMENT A

Preliminary Plan Opinion for 120050180



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org**Date Mailed: APR 28 2005****Action: Approved Staff
Recommendation****Motion of Commissioner Bryant,**
seconded by Commissioner
Wellington, with a vote of 5-0;
Chairman Berlage and
Commissioners Perdue, Bryant,
Wellington, and Robinson, voting
in favor.**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

Preliminary Plan 1-05018

NAME OF PLAN: Westfield Shoppingtown Montgomery

The date of this written opinion is APR 28 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

On 8/02/04, Montgomery Mall, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-2 zone. The application proposed to create 1 lot on 57.72 acres of land located at the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive, in the Potomac Master Plan area. The application was designated Preliminary Plan 1-05018. On 1/27/05, Preliminary Plan 1-05018 was brought before the Montgomery County Planning Board for a public hearing concurrently with Site Plan No. 8-05003. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning

Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

THE SUBJECT PROPERTY

The subject property ("Subject Property") is located on the west side of I-270, between Democracy Boulevard and Westlake Terrace. It is bounded by Westlake Drive to the west and served by two freeway interchanges to the east. The property confronts multi-family housing in the R-20, R-30, and RH zones on the west side of Westlake Drive and C-2 development on the north side of Westlake Terrace. Rock Spring Corporate Office Park is located across I-270 from the site to the east. Across Democracy Boulevard to the south are existing RT zoned townhouse communities. A small shopping center (Westlake Crossing) and a Texaco gas station are located between the Subject Property and Westlake Drive.

The 57-acre site is currently developed with a 1,242,172 square foot regional shopping center and associated parking. There are two vehicular access points on the Democracy Boulevard and Westlake Terrace frontages and three on Westlake Drive. A ring road links the entrance drives with all the parking facilities. A bus transit center is located in the northwestern portion of the Subject Property near the entrance drive off Westlake Terrace. There are no stream buffers, floodplains, or wetlands on the Subject Property. The Subject Property is entirely within the Cabin John Creek sub watershed (Use Class I) of the Middle Potomac watershed.

PROJECT DESCRIPTION

This application proposes to add 500,000 square feet of gross leasable area to the existing mall for a maximum of 1,742,172 square feet of gross leasable area of general retail use, including a multi-screen movie theater and future hotel. A site plan was concurrently reviewed for this project. The future hotel is not included in this site plan. A site plan amendment will need to be submitted and approved to determine the exact location of the future hotel and the appropriate amount of associated parking.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval with conditions in its memorandum dated January 21, 2005 ("Staff Report"). Staff's testimony at the public hearing was consistent with the Staff Report.

The Applicant appeared at the hearing represented by legal counsel and testified that it generally agreed with Staff's recommendations but did have a few concerns. The Applicant informed the Board that it had concerns related to an agreement with DPWT regarding capping the costs of the design and construction of a sales kiosk inside the mall.

Following the Applicant, Jerry Garson, Co-Chair of the Seven Locks Civic Association, Inc., testified concerning traffic problems in the area. He commented that an additional through lane is needed for northbound Tuckerman. Mr. Garson also alerted the Board to the existence of a faulty loop detector at Angus Place and Cabin John Mall. Mr. Garson requested the Board's assistance in persuading DPWT to fix the problem. Mr. Garson stated that he has concerns regarding the need for a 300-spot park and ride at this location. He said that he thinks Shady Grove would be better place for the park and ride, and he mentioned that there is nothing in the Potomac Master Plan about a park and ride in the area of the Subject Property. Mr. Garson asked the Board to consider requiring the Applicant, as a part of its afforestation requirements, to replace missing trees in the Cabin John Regional Park. In addition, Mr. Garson referenced the exit from the I-270 southbound HOV lanes directly into the mall, commenting that greater public use of this access would relieve congestion on Democracy Boulevard. Mr. Garson suggested that the public should be educated about the use of the HOV lanes both to enter the Shoppingtown mall from the southbound lanes and to exit the mall using the northbound lanes.

William Durkin testified on behalf of the owners of Westlake Crossing Center, a shopping center that is surrounded on three sides by the Shoppingtown. He noted that his client was concerned with the proposed plans for the original design of the new parking structure for the Shoppingtown on the corner of Westlake Drive and Westlake Terrace. Because of an entrance to the parking structure proposed along Westlake Drive, there was concern that this may have created a blockage across the entrance to his shopping center. Mr. Durkin noted that he appreciated that Westfield had modified its plans to eliminate that entrance.

Mr. Durkin raised an additional concern: a notation on the current site plan provides pedestrian access to Westlake Crossing Center from the proposed parking structure. Mr. Durkin advised the Board that his clients are opposed to

such access because they fear that people accessing the Shoppingtown (and its new theaters) might use his clients' parking facilities if they "arrive at the last minute." With this concern, Mr. Durkin noted that he is otherwise happy with the redevelopment of the Shoppingtown. There followed discussion among Commissioners and staff regarding this access issue. Staff observed that, in its view, such pedestrian access would afford a mutual benefit in that people could park in the parking structure who are accessing Westlake Crossing Center and its retail establishments. Mr. Durkin advised the Board that his clients would rather ensure the protection of the spaces within his client's property. He further noted for the record his view that it may be well within his clients' rights to deny pedestrian access if there is evidence that the parking in his clients' shopping center was being abused by Shoppingtown customers.

In addition to their oral testimony, the Record contains written statements from both Mr. Durkin and Mr. Garson expressing the same basic concerns about which they testified.

The Applicant testified that it has taken advantage of the HOV Lane and did promote it in various areas. The Applicant stated that it will continue to promote use of the HOV lanes to access and egress. The Applicant proffered that it would upgrade signs to include reference to the exits to the interstate as well as including the Transit Center as a destination on the mall's wayfinding system.

In response to Board member questions concerning need for park-and-ride lots, a representative of the Montgomery County Administrative Commuter Services testified that the existing park-and-ride lot serves as both a marshalling area for car and van pools but also to enable people to use the existing transit facility. She testified that the future park-and-ride lot, which will adjoin the proposed transit center would serve the same purpose; and she advised the Board that she anticipates increased demand for a park-and-ride lot over time.

Concerning afforestation issues raised by speakers, Staff advised the Board of the Commission's policy against reforesting in Commission parks as part of meeting developers' requirements. Additionally, Staff testified that Cabin John Park does not have the area to perform such planting.

The Chairman stated that he would contact the Director of DPWT to alert him to the faulty loop detector at the intersection of Seven Locks Road and Tuckerman Lane.

There followed brief discussion among Commissioners and Staff, following which there was further inquiry regarding an amendment to Item 8 of the January 27, 2005 Montgomery County Department of Public Works and Transportation

Program of Requirement for Montgomery Mall Transit Center ("POR")¹, concerning a sales kiosk. Applicant's counsel read into the record certain language agreed to between a DPWT representative and the Applicant. Applicant's counsel stated that the language of Item 8 was acceptable to DPWT and the Applicant and that the following language would be inserted before the final sentence of Item 8: "Westfield's contribution for the above-described items will not exceed \$15,000; there will be no further contribution, direct or indirect (apart from ongoing utility costs), required from Applicant." The Applicant and DPWT also agreed to add language to Item 8 specifying that the kiosk location would be provided with no obligation to pay rent.

It was further agreed between the DPWT's representative and the Applicant that the following sentence shall be added at the end of the POR: "The conditions specified and contained herein constitute the sum of Applicant's obligations to the County under this Program of Requirement, to be memorialized and implemented in the memorandum of understanding to be executed by and between the Applicant and the Department of Public Works and Transportation."

The Record contains several letters from community members regarding the application. These letters included concerns about: the lack of handicap parking spaces near Entrance 5; Montgomery Mall no longer being "senior-friendly," and including too many upscale stores and not enough moderately priced stores, the need for more benches near mall entrances; the need for rentable wheelchairs; noise levels in the food court; safety both inside and outside the mall; the glare from existing exterior lights disturbing neighboring residents' enjoyment of their properties; increased traffic levels resulting from the expansion having the potential effect of disturbing the "peacefulness" of the area; and a potential increase in the risk of crime as more people visit the expanded mall.

The Record also contains an e-mail from Joseph Cutro, an engineer representing the owner of the Westlake Crossing shopping center. Mr. Cutro's email stated that while the ownership and management of Westlake Crossing supports Westfield's expansion, an improperly located driveway combined with localized traffic overload could have negative effects.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; the Applicant's position;

¹ The POR was the result of negotiations between the Montgomery County Department of Public Works and Transportation and the Applicant. A copy of the POR was attached to the Revised Staff Recommendation for Site Plan 8-05003, dated January 27, 2005, which was handed out to the Planning Board and entered into the record at the public hearing.

² The application was referred to outside agencies for comment and review, including the

and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-05018 substantially conforms to the Potomac Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. This finding is made in light of testimony received at the hearing and based on evidence of record, including the Transportation Planning memorandum dated January 20, 2005. The Board observes that proffers by the Applicant to upgrade signage in the mall will assist in educating its customers about alternative ingress and egress points, which may have the effect of reducing traffic levels on nearby local streets.
- c) The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The only contested issue in this application that is relevant to a preliminary plan of subdivision concerns traffic congestion, which issue is addressed through the Board's finding above that there exist adequate public facilities to support the proposed subdivision. The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05018 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning

Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

Board approves Preliminary Plan No. 1-05018, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to an increase of 500,000 square feet of gross leasable area (sf gla) for a maximum of 1,742,172 sf gla of general retail uses, which may include a multi-screen movie theater and a future hotel.
- 2) The Applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 3) The Applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 4) No clearing, grading or recording of plats prior to site plan signature set approval.
- 5) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 6) Dedicate additional right-of-way for 45-feet from the centerline of Westlake Drive and Westlake Terrace in accordance with the *Potomac Master Plan*, which requires a total of 90 feet for this roadway. Provide proper right-of-way truncation at the Westlake Drive and Westlake Terrace intersection.
- 7) Construct a ten-foot-wide shared use path along Democracy Boulevard, extending from Westlake Drive to edge of previous SHA path improvements near I-270 West Spur. Make a good faith effort to negotiate with the adjoining property owner of the automobile filling station located in the southwest corner of the Mall to reconstruct the existing pedestrian path to provide for a ten-foot-wide shared use path along Westlake Drive and Democracy Boulevard without purchasing additional right-of-way.
- 8) Construct an eight-foot-wide shared use path on the east side of Westlake Drive with at least a two-foot-wide setback from the curb, extending from Democracy Boulevard to Westlake Terrace.
- 9) Upgrade the existing bike lanes on the south side of Westlake Terrace at the Mall access point/Auto Park Avenue where the existing eastbound right-turn lane is to be reconstructed.

- 10) Construct seven-foot-wide concrete sidewalks along Westlake Terrace from Westlake Drive to the east side of the Mall access point/Motor City Drive.
- 11) Satisfy Local Area Transportation Review by constructing the following intersection improvements:
 - a. Add a northbound and a southbound right-turn lane from Seven Locks Road to Democracy Boulevard.
 - b. Reconfigure the existing right-turn lane on eastbound Tuckerman Lane at Seven Locks Road into a combination of right and through lane that would provide two through lanes.
 - c. Reconfigure the two-lane southbound Westlake Drive approach at Democracy Boulevard to an exclusive right-turn lane and a combination right, through, and left lane (i.e., instead of the current combination right, through, and left lane and exclusive left-turn lane).
- 12) Place in reservation for future dedication of a 35-foot-wide transitway right-of-way (additional to the requirements of the right-of-way for this road as recommended in the North Bethesda-Garrett Park Master Plan) along Westlake Terrace from I-270 West Spur to the western edge of the relocated transit center in northeast corner of the Mall, approximately 190 feet. The 35-foot-wide transitway right-of-way west of Motor City Drive along Westlake Terrace is no longer needed where the right-of-way may differ from the specific language in the master plan but remains consistent with its intent.
- 13) Relocate existing transit center and replace with new and expanded facility including associated park and ride spaces, and provide necessary non-automobile transportation amenities to promote transit and bicycle use. Exact location and design of center, and appropriate amenities, shall be determined at site plan. Prior to release of any building permits for the proposed development, the Applicant shall enter into an access easement agreement with DPWT and WMATA to provide access for transit vehicles to and from the relocated transit center.
- 14) Prior to the release of any building permits for the proposed development, the Applicant shall enter into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District as a large non-residential

development within its boundary. Participation would assist in achieving and maintaining the current traffic mitigation goal for Stage 2 of 39% non-auto-driver mode share for employees.

- 15) Prior to release of any building permits for the proposed development, the Applicant shall modify the Memoranda of Understanding begun in 1984 with subsequent amendments with the Montgomery County Department of Permitting Services (DPS) to:
 - a. Continue to provide 300 off-site employee parking spaces during the peak holiday shopping period from Thanksgiving to Christmas.
 - b. Obtain a waiver of the required parking ratio to reduce the required number of parking spaces, as part of site plan approval.
- 16) Prior to the release of any building permits, Applicant shall sign a memorandum of understanding with MCDPWT regarding the Applicant's and MCDPWT's responsibilities for the construction of the transit center canopy.
- 17) Compliance with the conditions of approval of the MCDPWT letter dated January 20, 2005, unless otherwise amended.
- 18) Compliance with the conditions of the MCDPS stormwater management concept approval dated June 1, 2004.
- 19) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 20) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred forty-four (144) months from the date of mailing of the Planning Board opinion.
- 21) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

APPROVED AS TO LEGAL SUFFICIENCY
1XB
M-NCPPC LEGAL DEPARTMENT
DATE 4/14/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

G:\TAB\opinions\PreliminaryPlan\WestfieldShoppingtown.1-05018.final.4-13-05.doc

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, April 21, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for ***Preliminary Plan # 1-05018, Westfield Shoppingtown Montgomery***. Vice Chair Wendy Perdue was absent.

A handwritten signature in cursive script, appearing to read "L. Clara Loria", written over a horizontal line.

Certification As To Vote of Adoption
Technical Writer

ATTACHMENT B

Site Plan Opinion for 820050030

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Site Plan No.: 8-05003

Project: Westfield Shoppingtown Montgomery, Parcel A

Date of Hearing: January 27, 2005

Action: **APPROVAL SUBJECT TO CONDITIONS.** (*Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Wellington; with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, and Robinson voting in favor.*)

The date of this written opinion is APR 25 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On January 27, 2005, Site Plan Review #8-05003 was brought before the Montgomery County Planning Board for a public hearing concurrently with Preliminary Plan No. 1-05018. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

THE SUBJECT PROPERTY

The subject property is located on the west side of I-270, between Democracy Boulevard and Westlake Terrace. It is bounded by Westlake Drive to the west and served by two freeway interchanges to the east. The property confronts

multi-family housing in the R-20, R-30 and RH zones on the west side of Westlake Drive, and C-2 development on the north side of Westlake Terrace. Rock Spring Corporate Office Park is located across I-270 from the site to the east. Across Democracy Boulevard to the south are existing RT zoned townhouse communities. A small shopping center (Westlake Crossing) and a Texaco gas station are located between the Mall and Westlake Drive.

The 57-acre site is currently developed with a 1,242-172 square-foot regional shopping center and associated parking. There are two vehicular access points on the Democracy Boulevard and Westlake Terrace frontages and three on Westlake Drive. A ring road links the entrance drives with all the parking facilities. A bus transit center is located in the northwestern portion of the site near the entrance drive off Westlake Terrace. There are no stream buffers, floodplains, or wetlands on the subject property. The subject property is entirely within the Cabin John Creek sub watershed (Use Class I) of the Middle Potomac watershed.

PROPOSED DEVELOPMENT

The subject expansion plan for Westfield Shoppingtown Montgomery proposes to increase the total gross leasable area (GLA) of the existing Montgomery Mall from 1,242,172 square feet to approximately 1,542,172 square feet, an increase of approximately 300,000 square feet or 24 percent. The plan includes both the addition of new retail/entertaining spaces and renovation of existing retail space as follows:

- a. Relocate the Hecht's Home store next to their main building.
- b. Remove the existing Sears Automotive store and build a new store near I-270.
- c. Create a new entertainment precinct, containing a new theater complex, relocated food court, restaurants and shops.
- d. Add new two-level retail component with the stores oriented towards the Westlake Terrace frontage.
- e. Remove existing three bus bays and build a new six-bus-bay transit center at the corner of I-270 and Westlake Terrace.
- f. Provide two new parking structures: a four-level garage located at the corner of Westlake Drive and Westlake Terrace and a two-level one at the corner of I-270 and Westlake Terrace (next to the new Transit Center location).
- g. Add a new retail store next to the new Westlake Drive parking garage.

The project is expected to begin construction in the summer of 2005 and open in phases over a 36-month period:

- a. Phase I - includes the relocation of the Hecht's Home Store, relocation of the Sears Automotive Center, construction of the I-270 garage and building of the new Transit Center base.
- b. Phase II - includes the re-demise of the existing space, relocation of the food court and starting construction of the Westlake Drive / Westlake Terrace garage.
- c. Phase III - includes the completion of the re-demising of space, opening of the Westlake Drive/Westlake Terrace garage, building of the retail component attached to the garage and completion of the theater.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval with conditions in its memorandum dated January 21, 2005 ("Staff Report"). Staff's testimony at the public hearing was consistent with the Staff Report.

The Applicant appeared at the hearing represented by legal counsel and testified that it generally agreed with Staff's recommendations but did have a few concerns. The Applicant informed the Board that it had concerns related to an agreement with the Montgomery County Department of Public Works and Transportation ("DPWT") regarding capping the costs of the design and construction of a sales kiosk inside the mall.

Following the Applicant, Jerry Garson, Co-Chair of the Seven Locks Civic Association, Inc., testified concerning traffic problems in the area. He commented that an additional through lane is needed for northbound Tuckerman. Mr. Garson also alerted the Board to the existence of a faulty loop detector at Angus Place and Cabin John Mall. Mr. Garson requested the Board's assistance in persuading DPWT to fix the problem. Mr. Garson stated that he has concerns regarding the need for a 300-spot park and ride at this location. He said that he thinks Shady Grove would be better place for the park and ride, and he mentioned that there is nothing in the Potomac Master Plan about a park and ride in the area of the Subject Property. Mr. Garson asked the Board to consider requiring the Applicant, as a part of its afforestation requirements, to replace missing trees in the Cabin John Regional Park. In addition, Mr. Garson referenced the exit from the I-270 southbound HOV lanes directly into the mall, commenting that greater public use of this access would relieve congestion on Democracy Boulevard. Mr. Garson suggested that the public should be educated about the use of the HOV lanes both to enter the Shoppingtown mall from the southbound lanes and to exit the mall using the northbound lanes.

William Durkin testified on behalf of the owners of Westlake Crossing Center, a shopping center that is surrounded on three sides by the Shoppingtown. He noted that his client was concerned with the proposed plans for the original design of the new parking structure for the Shoppingtown on the corner of Westlake Drive and Westlake Terrace. Because of an entrance to the parking structure proposed along Westlake Drive, there was concern that this may have created a blockage across the entrance to his shopping center. Mr. Durkin noted that he appreciated that Westfield had modified its plans to eliminate that entrance.

Mr. Durkin raised an additional concern: a notation on the current site plan provides pedestrian access to Westlake Crossing Center from the proposed parking structure. Mr. Durkin advised the Board that his clients are opposed to such access because they fear that people accessing the Shoppingtown (and its new theaters) might use his clients' parking facilities if they "arrive at the last minute." With this concern, Mr. Durkin noted that he is otherwise happy with the redevelopment of the Shoppingtown. There followed discussion among Commissioners and staff regarding this access issue. Staff observed that, in its view, such pedestrian access would afford a mutual benefit in that people could park in the parking structure who are accessing Westlake Crossing Center and its retail establishments. Mr. Durkin advised the Board that his clients would rather ensure the protection of the spaces within his client's property. He further noted for the record his view that it may be well within his clients' rights to deny pedestrian access if there is evidence that the parking in his clients' shopping center was being abused by Shoppingtown customers.

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The Applicant testified that it has taken advantage of the HOV Lane and did promote it in various areas. The Applicant stated that it will continue to promote use of the HOV lanes to access and egress. The Applicant proffered that it would upgrade signs to include reference to the exits to the interstate as well as including the Transit Center as a destination on the mall's wayfinding system.

In response to Board member questions concerning need for park-and-ride lots, a representative of the Montgomery County Administrative Commuter Services testified that the existing park-and-ride lot serves as both a marshalling area for car and van pools but also to enable people to use the existing transit facility. She testified that the future park-and-ride lot, which will adjoin the proposed transit center would serve the same purpose; and she advised the Board that she anticipates increased demand for a park-and-ride lot over time.

Concerning afforestation issues raised by Mr. Garson, Staff advised the Board of the Commission's policy against reforestation in Commission parks as part of meeting developers' requirements. Additionally, Staff testified that Cabin John Park does not have the area to perform such planting.

The Chairman stated that he would contact the Director of DPWT to alert him to the faulty loop detector at the intersection of Seven Locks Road and Tuckerman Lane.

There followed brief discussion among Commissioners and Staff, following which there was further inquiry regarding an amendment to Item 8 of the January 27, 2005 DPWT Program of Requirement for Montgomery Mall Transit Center ("POR")¹, concerning a sales kiosk. Applicant's counsel read into the record certain language agreed to between a DPWT representative and the Applicant. Applicant's counsel stated that the language of Item 8 was acceptable to DPWT and the Applicant and that the following language would be inserted before the final sentence of Item 8: "Westfield's contribution for the above-described items will not exceed \$15,000; there will be no further contribution, direct or indirect (apart from ongoing utility costs), required from Applicant." The Applicant and DPWT also agreed to add language to Item 8 specifying that the kiosk location would be provided with no obligation to pay rent.

It was further agreed between the DPWT's representative and the Applicant that the following sentence shall be added at the end of the POR: "The conditions specified and contained herein constitute the sum of Applicant's obligations to the County under this Program of Requirement, to be memorialized and implemented in the memorandum of understanding to be executed by and between the Applicant and the Department of Public Works and Transportation."

The Record contains several letters from community members regarding the application. These letters included concerns about: the lack of handicap parking spaces near Entrance 5; Montgomery Mall no longer being "senior-friendly," and including too many upscale stores and not enough moderately priced stores, the need for more benches near mall entrances; the need for rentable wheelchairs; noise levels in the food court; safety both inside and outside the mall; the glare from existing exterior lights disturbing neighboring residents' enjoyment of their properties; increased traffic levels resulting from the expansion having the potential effect of disturbing the "peacefulness" of the area; and a potential increase in the risk of crime as more people visit the expanded mall.

¹ The POR was the result of negotiations between the Montgomery County Department of Public Works and Transportation and the Applicant. A copy of the POR was attached to the Revised Staff Recommendation for Site Plan 8-05003, dated January 27, 2005, which was handed out to the Planning Board and entered into the record at the public hearing.

The Record also contains an e-mail from Joseph Cutro, an engineer representing the owner of the Westlake Crossing shopping center. Mr. Cutro's email stated that while the ownership and management of Westlake Crossing supports Westfield's expansion, an improperly located driveway combined with localized traffic overload could have negative effects.

FINDINGS

Based on all of the testimony and evidence presented and on the Staff Report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

An approved development plan or a project plan is not required for the subject C-2 zoned development.

2. The Site Plan meets all of the requirements of the C-2 zone in which it is located as demonstrated in the Project Data Table on page 13 of the Staff Report, which is incorporated herein by reference. The Board is persuaded by Staff's analysis in the Staff Report and Applicants letter dated January 18, 2005, that a waiver should be granted to permit a reduction of the Zoning Ordinance requirement for 5.5 parking spaces for each 1,000 gross leasable square feet to 4.5 spaces for each 1,000 gross leasable square feet. As such, the Board finds that uncontested evidence of record supports its approval of the requested waiver.
3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

- a. Buildings

The proposed mall expansion plan will add new retail space to the existing mall and increase the footprint of the existing building at the north, east, and west ends of the mall. A freestanding building will be constructed near the northeastern corner of the site to accommodate the relocated Sears Automotive store. Two parking structures are proposed on the Westlake Terrace frontage to provide spaces for the additional retail/theater uses.

The Board finds, based on the uncontested evidence of record, that the location of all buildings and structures on the site are adequate, safe, and efficient.

b. Open Spaces

The existing shopping mall and associated parking facilities occupy almost the entire site. The proposed mall expansion will use some surface parking areas for additional retail space and accommodate the parking need through structured parking. The site plan provides 14.3 percent of the site, or 8.2 acres, as green area, which includes sidewalks, landscaped islands in the parking areas, and landscaped space between buildings and along the street frontages.

The proposed stormwater management concept consists of: (1) on-site channel protection measures via an existing off-site retention pond; (2) on-site water quality control via stormfilters or MCDPS approved equivalent structures. Drainage to these facilities will be delivered through flow splitter structures.

Based on the uncontested evidence of record, the Board finds the location of open spaces on the site to be adequate, safe, and efficient.

c. Landscaping

The proposed landscaping on the site consists of landscaped islands in the parking areas and landscaping between buildings and along the street frontages. Shade trees and shrubs will be provided between the proposed parking facilities and the street to minimize the visual impact of the facilities. Street trees will be planted along the street frontages, between the relocated sidewalks and curbs.

The Board finds, based on the uncontested evidence of record, that the proposed landscaping is adequate, safe, and efficient.

d. Lighting

The lighting plan shows the outdoor lighting design for all the parking areas in 10 zones. The heights of the light poles range from 24 to 36 feet. The height of the light poles along the new entrance drive shall be 12 feet. The average illuminance level for each zone varies from 1.13 to 3.04 footcandles. Consistent with the conditions of approval, the height of the light pole on the top deck of the parking garage, 24 feet, will be lowered to minimize the impact of glare or excess light on adjacent residential communities. Furthermore, as conditioned, all light fixtures will be "full cut-off fixtures" and deflectors will be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.

The Board finds, based on evidence of record, including Applicant's Lighting Plan, that the proposed lighting is adequate, safe, and

efficient. Moreover, the conditions of approval relating to the outdoor lighting design for the newly constructed parking facilities will ensure that compatibility of the proposed expansion with adjoining uses will be maximized.

d. Recreation

Recreation facilities are not required for the proposed commercial development.

e. Vehicular and Pedestrian Circulation

There are two vehicular access points on the Democracy Boulevard and Westlake Terrace frontages and three on Westlake Drive. The proposed plan will eliminate one access point on Westlake Drive to address the adjacent shopping center's concern. A ring road links the entrance drives with all the parking facilities.

A bus transit center is currently located in the northwestern portion of the site near the entrance drive off Westlake Terrace. The Applicant will build a new transit center in the northeastern corner of site with six bus bays to accommodate current and future transit needs. To facilitate bus circulation, the plan proposes an exclusive bus exit ramp to Westlake Terrace.

There are existing sidewalks along the Democracy Boulevard, Westlake Drive, and Westlake Terrace frontages. The Applicant proposes to upgrade the sidewalks as follows:

- a. Remove the existing sidewalk on the east side of Westlake Drive and construct an eight-foot-wide shared use path with a landscaped strip for street trees.
- b. Construct a ten-foot-wide shared use path along Democracy Boulevard, extending from Westlake Drive to edge of previous SHA path improvements near I-270 West Spur.
- c. Construct seven-foot-wide concrete sidewalks along Westlake Terrace, with street tree grass strip, from Westlake Drive to the east side of the Mall access point/Motor City Drive.

In addition, the plan also proposes lead sidewalks connecting the surrounding streets with the building entrances to facilitate pedestrian circulation within and around the mall. Conditions of approval require the Applicant to provide a safe and convenient pedestrian path from the proposed new transit center to the building entrances.

Based on the evidence of record, the Board finds the proposed vehicular and pedestrian circulation to be adequate, safe, and efficient.

With respect to the pedestrian connection between the Subject Property and the adjacent shopping center (Westlake Crossing Center), the Board finds that, based on evidence of record, such a pedestrian connection is desirable and should not be eliminated. The Board acknowledges the testimony of the Westlake Crossing Center's representative at the public hearing opposing such a connection and that property owner's position that it, as the owner of adjoining private property, may opt to block that connection in the future. The Board reserves comment on the question of whether the obstruction of a pedestrian connection by one private property owner is permissible under Maryland law. The Board further finds that the new location of the transit center will enhance pedestrian safety and result in more efficient vehicular circulation. Additionally, proffers made by the Applicant concerning the upgrading of signage to inform patrons as to the existence of alternative points of ingress and egress will serve to enhance the efficiency of onsite vehicular circulation.

The Board notes that traffic issues were addressed at the time of the preliminary plan review, as reported by the Applicant's testimony at the hearing.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The proposed plan will expand the existing shopping mall to add new retail stores, a multi-screen movie theater, and structured parking. The use remains the same as the current development on the site. It is compatible with the commercial development located to the north and east of the site. Street trees and landscaping buffer will be added along the street frontages on Democracy Boulevard and Westlake Drive to minimize the impact of the development on adjacent residential communities.

Based on the uncontested evidence of record, the Board finds that each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

No forest exists on the subject property. The property, however, is not exempt from the forest conservation law. There is an 8.59-acre planting requirement for this property. The Applicant is proposing to meet the planting requirements of the forest conservation law through a

combination of on site landscape planting and utilization of a forest conservation bank offsite.

Based on the evidence of record, the Board finds that the site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-05003 for 1,542,172 gross leasable square feet of commercial retail space, including 300,000 square feet of new space for retail, restaurant, and theater uses on 57.24 acres, and Approval of a Parking Waiver to allow a parking ratio of 4.5 spaces for each 1,000 gross leasable square feet with the following conditions:

1. **Preliminary Plan Conformance**

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05018.

2. **Site Design**

Provide a transit center design in accordance with Condition 7.

3. **Landscaping**

- a. Provide landscaping between the ring road and the proposed parking structures.
- b. Provide appropriately sized planters for trees on the top of the parking structure.
- c. Provide street trees along the street frontages of Democracy Boulevard and Westlake Drive with consistent spacing and species.
- d. Provide required trees and evergreen hedge within the landscaping strip between the parking facilities and public streets.
- e. Show the proposed sidewalks and shared paths on the Landscape Plan.
- f. Provide additional landscaped islands within the parking lot near the proposed Hecht's Home store.
- g. Provide trees along the storefront across driveway from the parking structures.
- h. Plant shrub EK 3 to 4 feet on center, PL 24-36 inches in height, and TD 4 feet on center.
- i. Consider replacing tree FP with other species.

4. **Lighting**

The outdoor lighting design for all newly constructed parking facilities shall meet the following requirements:

- a. All light fixtures shall be full cut-off fixtures.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- c. Reduce the height of the light poles, which are to be located on the top level of the proposed parking structure near Westlake Drive, to minimize the impact of excess illumination on adjacent residential properties.
- d. The height of the light poles shall not exceed 30 feet including the mounting base.
- e. Revise the lighting design for Zone 5 to (i) meet the site lighting need of the proposed transit center, and (ii) minimize potential glare and excess illumination on I-270.

5. Pedestrian Circulation

- a. Provide a safe and convenient pedestrian path between the proposed transit center and the mall entrances.
- b. Provide adequate width for the proposed sidewalk along the storefront.
- c. All newly constructed mall driveways shall provide ADA compatible pedestrian access between perimeter county roads and internal mall entries.
- d. Provide a Public Improvements Easement (PIE), if necessary, along the Westlake Terrace frontage to accommodate the required sidewalk construction. The easement shall be recorded in the Land Records of Montgomery County, with the Liber and Folio referenced on the record plat.

6. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated January 21, 2005:

- a. Total development under the subject site plan is limited to 1,542,172 gross leasable square feet.
- b. Show right-of-way dedication for 45 feet from the centerline of Westlake Drive and Westlake Terrace in accordance with the Potomac Master Plan, which requires a total of 90 feet for this roadway.
- c. Construct a ten-foot-wide shared-use path along Democracy Boulevard, extending from Westlake Drive to the edge of the previous SHA path improvements near I-270 West Spur. Make a good faith effort to the negotiate with the adjoining property owner of the automobile filling station located to the southwest of the Mall to reconstruct the existing pedestrian path to provide for a ten-foot-wide shared-use path along Westlake Drive and Democracy Boulevard without purchasing additional right-of-way.

- d. Construct an eight-foot-wide shared-use path on the east side of Westlake Drive with at least a two-foot-wide setback from the curb, extending from Democracy Boulevard to Westlake Terrace.
- e. Upgrade the existing bike lanes on south side of Westlake Terrace at the Mall access point/Auto Park Avenue where the existing eastbound right-turn lane is to be reconstructed.
- f. Construct seven-foot-wide concrete sidewalks along Westlake Terrace from Westlake Drive to the east side of the Mall access point/Motor City Drive.
- g. Prior to release of any building permit for the proposed development, the Applicant shall enter into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District (TMD) as a large non-residential development within its boundary. Participation would assist in achieving and maintaining its traffic mitigation goal for Stage 2 of 39% non-auto-driver mode share for employees.
- h. Prior to release of any building permit for the proposed development, the Applicant shall modify the Memoranda of Understanding starting in 1984 with subsequent amendments with the Montgomery County Department of Permitting Services (DPS) to provide 300 off-site employees' parking spaces during the peak holiday shopping period from Thanksgiving to Christmas.

7. Transit Center

The Applicant shall relocate the existing on-site transit facility and replace with a new and expanded facility to the northeast corner of the site in accordance with the following requirements:

- a. Provide a transit center and associated facilities in accordance with the Program of Requirements established by the Montgomery County Department of Public Works and Transportation (MCDPWT) dated January 27, 2005 (as amended at the January 27, 2005 public hearing).
- b. Prior to the release of any building permits for the proposed development, the Applicant shall sign a memorandum of understanding with MCDPWT regarding the Applicant's and DPWT's responsibilities for the construction of the proposed transit center.
- c. Prior to removal of the existing on-site transit facility, the Applicant shall enter into an access easement agreement with MCDPWT and WMATA to provide access for transit vehicles to and from the relocated transit center.

8. Forest Conservation

The proposed development shall comply with the conditions of the final forest conservation plan. The Applicant shall satisfy all conditions prior to recording of

plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

9. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 1, 2004.

10. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

- a. The proposed new or relocated sidewalks and bike paths along Democracy Boulevard, Westlake Drive, and Westlake Terrace shall be completed prior to occupancy of any new retail store in the first phase of the development.
- b. Streets tree planting shall progress as the proposed sidewalks/bike path is completed, but no later than six months after completion of the sidewalk/bike path.
- c. The proposed new transit center and associated park-and-ride spaces, as defined in Condition 7 above, shall be completed by the Applicant and accepted by the Montgomery County Department of Public Works and Transportation prior to removal of the existing on-site transit facility.
- d. Landscaping and pedestrian paths associated with each parking facility and building shall be completed as construction of each facility is completed.
- e. Provide each phase of the development with required parking spaces, excluding the impact during the construction period.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Provide phasing of dedications, stormwater management, sediment/erosion control, forestation, community paths, trip mitigation or other features.

11. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

12. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.

- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. Required handicapped, motorcycle and bicycle parking spaces.
- f. Additional benches or seating areas near the building entrances.
- g. Details of the proposed special paving.
- h. Changes to site and landscape plans in accordance with Conditions 2 through 6.

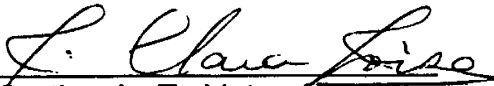
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M-NCPPC LEGAL DEPARTMENT
DATE 4/14/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

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CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, April 21, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan # 8-05003, Westfield Shoppingtown Montgomery**. Vice Chair Wendy Perdue was absent.



Certification As To Vote of Adoption
Technical Writer

ATTACHMENT C

Memoranda from Agencies



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 7, 2007

MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

Melanie Moser, Site Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor *DKH for*
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Preliminary Plan No. 12005018A and Site Plan No 82005003A
Westfield Montgomery Mall
Potomac Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Preliminary Plan revision and Site Plan amendment to combine the previously-approved expansion of this regional shopping mall ("Mall") with the adjoining local shopping center, Westlake Crossing, both in the C-2 zone.

The original Preliminary Plan No. 120050180 was approved by the Planning Board on January 27, 2005 (Resolution dated April 28, 2005, attached), for an increase of 500,000 square feet of gross leasable area (sf gla) for a maximum of 1,742,172 sf gla of general retail uses. The original Site Plan No. 820050030 was approved by the Planning Board on January 25, 2005 (Resolution dated April 25, 2005, attached), for an increase of 300,000 sf gla for a maximum of 1,542,172 sf gla of general retail uses. The smaller and adjoining Westlake Crossing was approved in 1996 for 25,005 square feet of general retail use as an APF review at building permit (Transportation Planning memorandum dated May 15, 1996, attached).

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this preliminary plan revision and site plan amendment:

1. The subject preliminary plan and site plan must be equal to the previously-approved square footage of commercial development under Preliminary Plan No. 1-05018 and Site Plan No. 8-05003 on Parcels F and P587 plus the recently-acquired adjoining Westlake Crossing, Parcel "B" Lakeview. Limit the maximum square footage of general retail use as follows.
 - a. The preliminary plan revision must be limited to a maximum of 1,767,177 sf gla of general retail uses.

- b. The site plan amendment must be limited to a maximum of 1,601,556 sf gla of general retail uses.
2. The applicant must dedicate and provide public improvement easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
 - a. The applicant must dedicate 10 feet minimum of right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
 - b. The applicant must provide a 2-foot-wide PIE along eastern side of Westlake Drive for a 2-foot-wide offset from the proposed shared use path/off-road bike path.
 - c. The applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to 5 feet wide, at no cost to either the County or the Applicant, to permit a landscape panel between the curb and sidewalk prior to certification of the site plan.
3. The applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
 - a. A 2-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE.
 - b. An 8-foot-wide shared use path/off-road bike path along the east side.
 - c. A 5-foot-wide landscaped panel with street trees and utilities on east side adjacent to the curb, that may be different on the intersection approach to Democracy Boulevard.
 - d. An 11-foot-wide outer northbound through lane that includes a 1-foot-wide curb/gutter on the west side.
 - e. A 10-foot-wide inner northbound through lane.
 - f. An 8 foot-wide raised median with 1-foot curbs on each side or a 10-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
 - g. Two 10-foot-wide southbound through lanes.
 - h. A 4-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
 - i. A 5-foot-wide sidewalk on west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to 5 feet wide described in Recommendation No. 4c above. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to 5 feet wide with street trees (i.e., only if the PIE is a full 5 feet wide) and utilities between the bike lane and relocated sidewalk.

The detailed design must be reviewed by the Planning Board staff and approved by the Montgomery County Department of Public Works and Transportation (DPWT) prior to certification of the site plan.

4. The applicant must continue consideration of the request of the adjacent homeowners groups for a possible pedestrian mid-block crossing of Westlake Drive between Westlake Terrace and the shopping center's proposed consolidated site access point. Such a mid-block crossing must include a raised median to function as a pedestrian refuge and satisfy DPWT's design standards for pedestrian safety. If satisfying DPWT design requirements, the mid-block must be shown on the plans prior to certification of the site plan.
5. The applicant must relocate the pedestrian access to the street-level retail along Westlake Drive in the northwest corner of the site to better align with the pedestrian mid-block crossing, if it satisfies DPWT design requirements. The relocated pedestrian access must be shown on the plans prior to certification of the site plan.
6. To accommodate the proposed Westlake Drive cross-section above, the applicant could reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane only if approved by DPWT prior to certification of the site plan.
7. The applicant must provide adequate traffic control for the eastbound ring road approach of the shopping center's access point at Democracy Boulevard as required by the Montgomery County Department of Permitting Services (DPS). The additional traffic control must be shown on the plans prior to certification of the site plan.
8. The applicant must relocate the steps outside the right-of-way for the intersection truncation at the southeast corner of Westlake Drive and Westlake Terrace. The relocated steps must be shown on the plans prior to certification of the site plan.
9. The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
10. The applicant must provide 20 bike racks and have their locations approved by Transportation Planning staff prior to certification of the site plan.
11. The applicant must retain all transportation-related conditions of approval in the Planning Board's opinions (attached), unless modified by the recommendations above.

Refer to the attached DPWT letter dated August 30, 2007, and DPS letter dated August 31, 2007.

DISCUSSION

The topics discussed below reflect only the changes from those subsections described in Transportation Planning memorandum dated January 20, 2005 (attached) prepared for the original Preliminary Plan No. 120050180 and Site Plan No. 820050030. For discussion topics on which there are no changes, the underlined subsection topic/heading and text within the previous DISCUSSION section is not included below.

Site Location and Vehicular Access Points

The only change to the original approved plan is consolidating the three original full-movement vehicular access points from Westlake Drive into one access point.

Pedestrian Internal and External Site Facilities

The differences from the original approved plan are as follows:

1. The sidewalk along the west side of Westlake Drive can be upgraded with a landscape panel between the curb and sidewalk if the property owners grant a 5-foot-wide PIE to the County.
2. The internal pedestrian circulation was revised to reflect a parking garage along Westlake Drive in the northwest corner of the site while providing a pedestrian connection to street-level retail uses for the local residents who previously patronized the Westlake Crossing shopping center.
3. A pedestrian mid-block crossing of Westlake Drive is being considered as described in Recommendation No. 4. The residents of the communities on the west side of Westlake Drive walked across Westlake Drive to Lakeview Crossing Shopping Center that served as their local shopping center. As an alternative, the applicant proposes street-level retail in the northwest corner of the site. To accommodate these pedestrians, a mid-block crossing of Westlake Drive between Westlake Terrace and the street-level retail must include a raised median and should be considered only if it satisfies DPWT's design standards for pedestrian safety. Such a mid-block crossing would be located between Westlake Terrace and the vehicular access point along Westlake Drive.

Parking Waiver Request

Besides the originally requested waiver to reduce the parking ratio below 4.5 spaces per 1,000 sf gla, the applicant is now requesting additional parking waivers. Transportation Planning staff supports the parking waiver for 30 fewer spaces because it would discourage vehicular trips and could shift motorists to use non-auto transportation modes such as buses serving the proposed on-site transit station. Transportation Planning staff also agrees with DPS in their support of the waiver for the parking space size and aisle width as stipulated in Section 59-E-1.

North Bethesda Transitway

Although there are no changes from the original approved plan, addition description regarding the relocation of the transit station is included to respond to concerns expressed by the residents living in the surrounding community. Based on the *Potomac Subregion Master Plan* and the *North Bethesda/Garrett Park Master Plan*, the station was originally envisioned to be located in the northwest corner of the Mall. However, DPWT staff requested that the transit center be relocated in the northeast corner adjacent to I-270 to provide a better connection to a potential future Transitway/Metrorail link to Northern Virginia along I-270 and I-495. The Planning Board approved the location of the new and expanded transit center in its Resolution of April 28, 2005, for Preliminary Plan No. 12005018. The subject preliminary plan and site plan amendments do not alter that location.

North Bethesda Transportation Management District (TMD)

This site is located within the boundary of the North Bethesda TMD but outside the North Bethesda/Garrett Park Planning Area. The only change from the original recommendations is that the TMAg be signed and executed by all parties prior to certification of the site plan.

Master Plan Roadways and Bikeways

The original subsection text is changed to provide more details about the bicycle facilities along Westlake Drive. The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-31 (shared use path and bike lanes) along Westlake Drive between Westlake Terrace and Democracy Boulevard. However, the County needs an additional 10 feet of right-of-way from the west side in order to accommodate the on-road bike lanes. The proposed cross section in Recommendation No. 3 above will implement the southbound bike lane. The northbound bike lane will be implemented in the future if and when the additional right-of-way from west side is dedicated or purchased by the County. The *Master Plan* recommends a shared use path on the east side of Westlake Drive along the applicant's property frontage that is proposed in Recommendation No. 3b.

Prior Adequate Public Facility Approvals

This subsection is added to show on the table below how the total square feet of gross leasable area was determined based on the prior APF approvals:

Shopping Center	Square Feet of Gross Leasable Area of General Retail Use	
	Preliminary Plan No. 120050180	Site Plan No. 820050030
Existing Montgomery Mall	1,242,172	1,242,172
Approved Mall Expansion (approved on January 27, 2005)	+500,000	+300,000
Existing Westlake Crossing approved as Building Permit No. 96-03-27-001 *	+25,005	+25,005
Additional Square Feet	0	+34,379
Combined Total	1,767,177	1,601,556

* This building permit was approved by the Planning Board on May 23, 1996, on Parcel "B" Lakeview, in the C-2 zone. The APF review analyzed the traffic impact of converting a vacant 52,000-square-foot (Sears) office building into the existing shopping center.

The traffic impact of combining the Westlake Crossing property with the Montgomery Mall property was accounted for in the prior APF approvals above. The APF reviews for both shopping centers were based on traffic studies submitted to satisfy Local Area Transportation Review (LATR) at the time each shopping center was approved. A traffic study was required to satisfy LATR, because the proposed land use on both shopping centers generated 50 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods. Based on the analysis of site-generated traffic on the nearby signalized intersections from these traffic studies, Westfield Montgomery Mall was required by the Planning Board to provide the following intersection improvements:

1. Seven Locks Road and Democracy Boulevard: Add northbound and southbound right-turn lanes on the northbound and southbound Seven Locks Road approaches.
2. Seven Locks Road and Tuckerman Lane: Reconfigure the right-turn lane on eastbound Tuckerman Lane to have a combined right-turn/through lane for a second through lane.
3. Westlake Drive and Democracy Boulevard: Reconfigure the combination right-turn/through/left-turn lane and the left-turn lane on southbound Westlake Drive to have a right-turn lane and a combined right-turn/through/left-lane.

Congestion Levels at Nearby Intersections

The only change to this subsection from the staff's original memorandum is to revise the critical lane volumes (CLV) at the Westlake Drive/Westlake Terrace intersection in the total improved traffic condition to account for the operational improvement described in Recommendation No. 6. For the morning peak hour within the peak period between 6:30 and 9:30 a.m., the CLV increases from 925 to 976. For the evening peak hour within the peak period between 4:00 and 6:00 p.m., the CLV decreases from 1,226 to 1,101. These CLVs are less than the 1,475 congestion standard for an intersection located with the Potomac Policy Area.

EA:tc

Attachments

cc: Larry Cole
Wes Guckert
Chuck Kines
Robert Kronenberg
Greg Leck
Sarah Navid
Mary Beth O'Quinn
Elsie Reid
Peggy Schwartz

mmo to Conlon Moser re Montgomery Mall 12005018A & 82005003A.doc



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 1, 2004

Robert C. Hubbard
Director

Ms. Joanne M. Cheok, P.E.
Dewberry and Davis
203 Perry Parkway, Suite 1
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT** Request
for Westfield Shoppingtown Montgomery
SM File #: 212644
Tract Size/Zone: 100 Acres / C-2
Total Concept Area: 25 Acres
Watershed: Cabin John Creek

Dear Ms. Cheok:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned redevelopment site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via an existing off-site retention pond. On-site water quality control will be provided via Stormfilters or MCDPS approved equivalent structures. Drainage to these facilities will be delivered through flow splitter structures. Onsite recharge is not required for redevelopment.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval, which incorporates the following items:

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All stormwater management structures are to be located within a stormwater management easement with vehicular access for maintenance.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

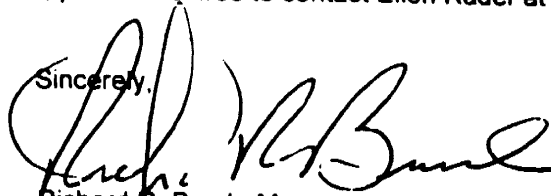
This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute



grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Ellen Rader at 240-777-6336.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB dm CN212644 Westfield EBR

cc: Rich Weaver
S. Federline
SM File # 212644

QN - off-site; Acres: 25
QL - on-site; Acres: 25
Recharge is not provided



RECEIVED

MAY 18 2004

Dept. of Permitting Services
Case Management

Application for Stormwater Management Concept

Project Name: Westfield Shoppingtown Montgomery

Property Size/Area: 180 Acres

Property Address / Location: 7101 Democracy Blvd., Bethesda, Maryland 20817

Owner/Applicant Information:

Name: Westfield Corporation, Inc. Mr. Jim Agliata

Firm Name and/or Contact Person

Mailing Address 500 Northwest Plaza, Suite 700

City St. Ann **State** MO **Zip** 63074 - **Phone** 314-656-2522

Engineer Information:

Name: Dewberry, Joanne M. Cheek AC572835

Firm Name and/or Contact Person

Mailing Address 203 Perry Parkway, Suite 1

City Gaithersburg **State** MD **Zip** 20877 **Phone** 301-948-8300

Type of Application:

☒ **New** ☐ **Resubmittal** ☐ **Revision** ☐ **Reconfirmation**

Stormwater Management Provided:

☐ **Onsite Management**

Onsite Quality Acres _____
Onsite Quantity Acres _____

☐ **Waiver Request**

Waive Quality Acres _____
Waive Quantity Acres _____

☒ **Onsite Management/Waiver Combination**

Onsite Quality Acres 25 Waive Quality Acres _____
Onsite Quantity Acres _____ Waive Quantity Acres 25

☐ **SPA Preliminary Water Quality Plan**

☐ **SPA Final Water Quality Plan**

Total Disturbed Area (in acres): 25

Proposed Impervious Area (in acres): 25

Preliminary Plan No.: N/A

Tax Map No.: _____

WSSC Map Grid: 213NW7

Lot(s): _____

Block(s): _____

Parcel(s): _____

Subdivision: _____

Watershed: Cabin John Creek

Tributary: _____

Class: 1

Municipality: _____

Liber: _____

Folio: _____

Election District: _____

Current Zoning: _____

Proposed Zoning: _____

Current Land Use: Commercial - retail

Proposed Land Use: Commercial - retail

I declare and affirm, under penalty of perjury, that to the best of my knowledge, information and belief all matters and facts in this application are correct. I declare that I am the owner of the property or duly authorized to make this application on behalf of the owner.

Signature: _____

Signature of Applicant (Property Owner or Authorized Agent)

Printed Name

Date

Stormwater Concept Project #:

212641

Wants Expedited



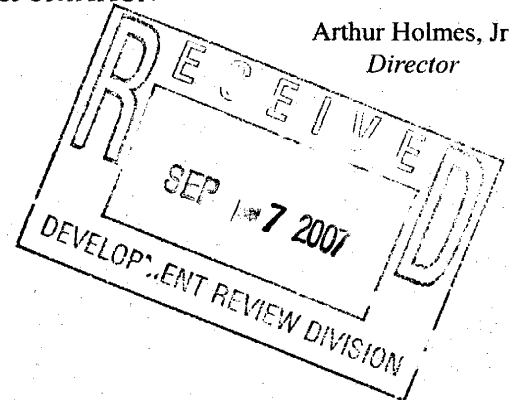
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 30, 2007

Ms. Catherine Conlon, Subdivision Supervisor
Mr. Robert Kronenberg, Site Plans Supervisor
Development Review Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 1-05018-A
Site Plan No. 8-05003-A
Westfield Shoppingtown Montgomery

Dear Ms. Conlon and Mr. Kronenberg:

This letter is to confirm that this Department has reviewed the concept plans that were electronically exchanged on August 29th and 30th, 2007, regarding the pending revised plans. We recommend approval of the proposed plans, subject to the following comments:

1. All previous DPWT review comments (described in our letters dated January 20, 2005 and July 27, 2006, plus the January 27, 2005 Program of Requirements for the Montgomery Mall Transit Center) remain applicable unless specifically modified below.
2. No changes may be made to the January 27, 2005 Program of Requirements for the Montgomery Mall Transit Center without concurrence by the DPWT Division of Transit Services.
3. We conditionally agree to the conceptual typical section under consideration for Westlake Drive between Democracy Boulevard and Westlake Terrace, very commendably described in Mr. Edward Axler's memorandum, subject to the following points:
 - #2c: The actual width of the Public Improvements Easement (PIE) is dependent on the location of the sidewalk, if it is to be relocated by the applicants. The PIE is to extend at least two (2) beyond any the outside limit of the sidewalk. The adjacent residential communities will need to grant this PIE at no cost to the applicants. If the residential communities oppose granting the PIE, the proposed sidewalk relocation and construction of the lawn panel will likely not occur.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

- #3 Mid-block crosswalk: the location of a mid-block crosswalk is dependent on the construction of an eight (8) foot wide raised median, satisfactory sight distances, and acceptable operations. Such a median will limit the ingress and/or egress movements of the communities. A median would offer the opportunity for pedestrian refuge and a site for a crosswalk at a mid-block location. This department does not support the use of mid-block crosswalks at uncontrolled locations. If the communities oppose construction of the median, we will not allow uncontrolled crosswalks across the roadway; pedestrians will need to be directed to crossings at the signalized intersections.
 - #3 Access to the ground floor retail facilities: pedestrian access to the shared use path is related to construction of the previously mentioned median. Such a connection should intersect the shared use path at a location suitable for a mid-block crosswalk. If the communities oppose construction of the median, the pedestrian access to the ground floor retail facilities should occur through the parking garage, without a connection to the shared use path.
 - #3e: If the previously discussed median is implemented, the applicant may also request this Department to consider allowing the use of a non-standard pavement material within the median breaks, at the permit and/or Certified Site Plan stage (whichever comes first).
 - #4: the proposed conversion of the northbound curblane on Westlake Drive at Westlake Terrace will increase the morning and evening Critical Lane Volumes at that intersection. We do not support this change and believe it is critical to retain the ability to maintain two northbound through lanes at this intersection. The applicants will need to provide appropriate measure(s), to be approved at the permit and/or Certified Site Plan stage (whichever comes first), to continue the two existing through movements. If this department determines the right lane could be converted to an exclusive right turn lane at a future date, we will implement the necessary signing and marking changes at our sole expense.
4. Section C-C of the applicants' August 28, 2007 proposed cross-section should be amended to maintain the western four (4) foot wide bikelane south to the intersection with Democracy Boulevard; the ten (10) foot wide center left turn lane will need to gradually be removed, as currently existing.

Ms. Catherine Conlon & Mr. Robert Kronenberg
Preliminary Plan No. 1-05018-A
Site Plan No. 8-05003-A
August 30, 2007
Page 3

Thank you for the opportunity to review and comment on this plan. If you have any questions regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at 240-777-2197.

Sincerely.



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

M:\sub\gml\docs\PP\1-05018-A, 8-05003-A, 083007 ltr.doc

cc: Jim Agliata; Westfield, LLC
Elsie Reid; Furey, Doolan & Abell, LLP
C. Peter Okafor; Dewberry & Davis
Wes Guckert; The Traffic Group, Inc.
Jack Cochrane; Montgomery Mall Citizens Advisory Committee
Melanie Moser; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Edward Axler; M-NCPPC TP
Larry Cole; M-NCPPC TP
Chuck Kines; M-NCPPC TP
Sarah Navid; DPS RWPPR
Jeff Duncel; DPWT DTS
Emil Wolanin; DPWT TEOS
Bruce Mangum; DPWT TEOS
Fred Lees; DPWT TEOS
Sam Farhadi; DPWT TEOS



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

August 4, 2006

Ms. Catherine Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Westfield Shoppingtown
Montgomery, Parcel A
File #s: 1-2005018A &
8-2005003A
1-270 - General

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review both the preliminary and site plan applications for the proposed Westfield Shoppingtown Montgomery, Parcel "A" development. We offer the following comments:

- According to the preliminary plan application, a local area transportation review (traffic study) was submitted to M-NCPPC for this development. SHA will require five copies of the traffic study to review to make sure that nearby state routes are not adversely affected.
- Proposed access to this site is from County-maintained roads (Democracy Boulevard, Westlake Drive, and Westlake Terrace) and is subject to the permit process and requirements of the Montgomery County Department of Public Works and Transportation.

If you have any questions, please contact Raymond Burns at 410-545-5592 or by using our toll free number in Maryland only at 1-800-876-4742.

Very truly yours,

f.r Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb/jab

cc: Mr. Anthony Alessi / Montgomery Mall LLC c/o Westfield Corporation, Inc. / 11601
Wilshire Blvd., 12th Floor, Los Angeles, CA 90025
Mr. C. Peter Okafor / Dewberry / 203 Perry Parkway, Suite 1, Gaithersburg, MD 20877
Mr. Richard Weaver / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Ted Beeghly *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

ATTACHMENT D

Correspondence from Applicant

MEMORANDUM

MONTGOMERY MALL
PARKING GEOMETRICS

PAGE 1 OF 6

Walker Parking Consultants
6602 E. 75th Street, Suite 210
Indianapolis, IN 46250

Voice: 317.842.6890
Fax: 317.577.6500
www.walkerparking.com

DATE: September 8, 2006
TO: David Niblock, Montgomery County Permitting Services Specialist
CC: Sarah Navid, Montgomery County Permitting Services Specialist
Anthony Alessi, Westfield Development Director
Steve Jensen, Gensler Project Manager
Jim Warner, WPC Project Manager
FROM: Mary Smith
PROJECT NAME: Montgomery Mall
PROJECT NUMBER: 14-3397.00
SUBJECT: Proposed Parking Dimensions

Thank you for taking the time to meet with us yesterday, September 7, 2006. As we discussed, Westfield would like to request two waivers for parking dimensions for the above referenced project, as follows:

- 1) an 8'8" stall at 75 degrees on a module¹ of 56'
- 2) an 8'8" stall at 65 degrees on a module of 54'

There are two reasons we feel these dimensions are reasonable and appropriate. First, the current Montgomery County Zoning Ordinance has a simplified table that effectively results in a larger stall required for parking angles between 61 degrees and 75 degrees than allowed for 45, 60 and 90 degrees. This is a direct result of requiring stall dimensions that are mathematically correct for 60 degrees for all angles between 60 and 75 degrees. Similarly, the ordinance requires the same aisle for 75 degrees as 60 degrees, even though it is inherently easier to turn into a stall at 60 degrees than 75 degrees. Second, all aisles widths specified for angled parking are more generous than that permitted for 90 degree parking, resulting in a higher level of comfort required for angled parking than 90 degree parking. In fact, the ordinance effectively requires a module of 62'6" for 75 degree parking, and a module of 59'8" for 60 degree parking, while permitting a module of 56' for 90 degree parking with . The dimensions proposed above will still result in a more comfortable overall design than the minimum 90 degree dimensions permitted under the Montgomery County Zoning Ordinance.

Use of 65 75 degree parking with the dimensions proposed for the new deck north of the proposed expansion is necessary to achieve the required number of stalls without additional levels of the parking deck and/or reductions of the deck setbacks, which we know are of concern to the community. We are also requesting approval of the 65 degree dimensions because we have been considering using that angle of parking for some of the roof parking.

On the following pages, we have further discussed these issues.

¹ out to out dimension of two rows of stalls and aisle between

MEMORANDUM

MONTGOMERY MALL PARKING GEOMETRICS

PAGE 2 OF 6

TECHNICAL DISCUSSION

Division 59-E-1, Off-Street Parking and Loading of the Montgomery County Zoning Ordinance requires a minimum "standard" parking space of 8'6" by 18'0". In addition they allow up to 20% of the stalls to be 8'0" by 17'6" (for employee use) and up to 10% of the stalls to be small car spaces of 7'6" by 16'6". When 90 degree, perpendicular parking is employed, the required aisle for all of the above stall sizes is 20 feet, resulting in a "module" (the out to out dimension of two rows of stalls and the aisle between) for the basic stall size of $18' + 20' + 18' = 56'0"$.

Stall Dimensions

In the County table, one set of dimensions is provided each for two broad ranges of angles (60 to 75 degrees and 45 to 59 degrees), with the dimensions based on the least angle in the range. As the angle is increased from 60 to 75 degrees, the dimensions of the parallelogram sides get smaller; therefore, the stalls for the high end of the range (ie, 75 degrees and 59 degrees) are significantly larger than permitted for 90, 60 and 45 degrees. See the table below as well as the figure on the next page.

	Dimensions in (or Based on) County Ordinance				Mathematically Correct For 8'6" by 18' rectangular stall rotated to angle		
	Short side of parallelogram	Long side of parallelogram	Effective width/ length of stall	Stall projection perpendicular to aisle **	Short side of parallelogram	Long side of parallelogram	Stall projection perpendicular to aisle **
90 degrees	8.5'	18'	8'6"/18'0	18'0"	8'6"	18'0"	18'0"
75 degrees	10'	23'	9'8"/20'5"	22'3"	8'10"	20'3"*	19'7"
65 degrees	10'	23'	9'1"/18'9"	20'10"	9'5"	22'0"	19'11"
60 degrees	10'	23'	8'8"/18'1"	19'10"	9'10"	22'11"*	19'10"
45 degrees	12'	26.5'	8'6"/18'0"	18'9"	12'0"	26'6"	18'9"

*All dimensions rounded to nearest whole inch

** This dimension X 2 (for two rows of stalls) is added to aisle width for wall to wall module

Thus using dimensions for the parallelogram for 75 degree parking based on 60 degree parking dimensions results in requiring a 9'8" wide by 20'5" stall rotated to 75 degrees instead of an 8'6" x 18' stall as permitted for 90 degree parking. The corrected module with an 8'6"x18'0" stall rotated to 75 degrees and the required aisle width of 18' is 57'2" as compared to a module of $22'3" + 18' + 22'3" = 62'6"$ now required.

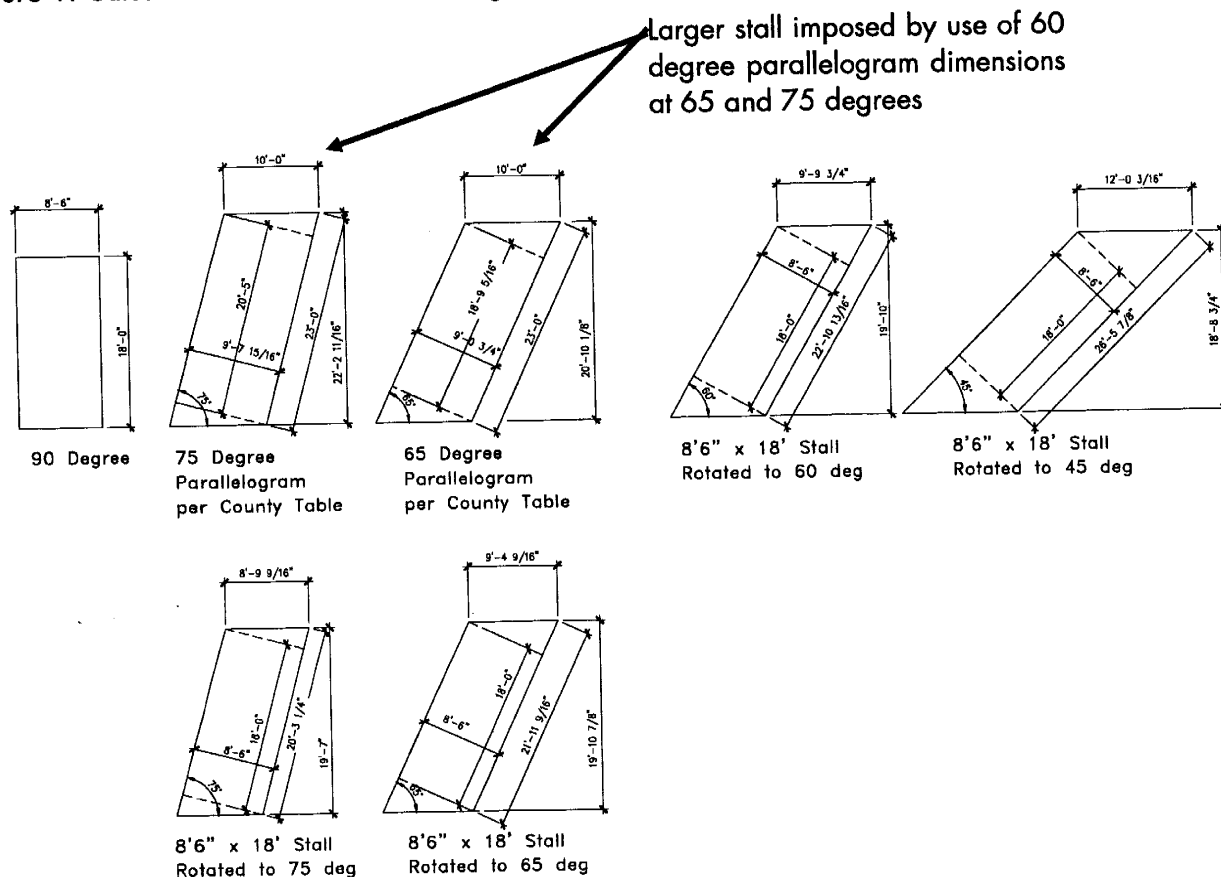
Similarly, the ordinance effectively requires a 9'1" by 18'9" stall for 65 degree parking. The corrected module for an 8'6" x 18' stall rotated to 65 degrees with an 18' aisle width is 57'10" as compared to a module of $20'10" + 18' + 20'10" = 59'8"$.

MEMORANDUM

MONTGOMERY MALL PARKING GEOMETRICS

PAGE 3 OF 6

Figure 1: Calculation of Stall and Parallelogram Dimensions at Key Angles



Aisle/Module Width

The second concern is that the dimensions for 90 degree parking permit an extremely narrow aisle to be employed, resulting in what we consider to be a Level of Service E for the turn movement into the stall of the required width. To my knowledge there are no national references today that recommend a 20 ft aisle or a 56' module for "standard" or "one size fits all" 90 degree parking. The currently required stall/module combinations (9'8" wide stall and 62'6" module for 75 degree parking and 9'1" wide stall and 59'8" module) are both well above LOS A...indeed both are "off the chart"...in the other direction... of any reference I am aware of. I have attached an Exhibit at the end of this document showing the 90, 75 and 65 degree parking dimensions recommended in those references, as well as a few of the historical references on which the more recent ones are generally based. Thus, even after correction of stall dimensions, the aisles for angled parking are more generous than for 90 degree parking.

Part of the problem again is that the same aisle is required for all angles between 60 and 75 degrees. However, it appears that perhaps the required aisle for 90 degree was reduced, possibly in response to requests from the development community, without a comparable change in the angled aisles. Further as

MEMORANDUM

MONTGOMERY MALL
PARKING GEOMETRICS

PAGE 4 OF 6

you indicated, so few people use angled parking that your office was not aware of the issues we have raised.

In any event, as the stall is rotated from 90 to 75 or less, the required aisle (and resulting module) should be less than that for 90 degrees, not more. For example, the Fourth Edition of *Dimensions of Parking* (which the ITE Technical Council suggested should be followed in place of their own standards which have been withdrawn) recommends a 54' module for 65 degree parking, a 56' module for 75 degrees and a 60' module for 90 degrees. The current ordinance effectively requires 59'8" for 65 degrees, 62'2" for 75 degrees and only 56' for 90 degrees.

In conclusion, we believe the requested stall dimensions and modules are still more comfortable than those permitted for 90 degree parking and yet are reasonable and appropriate for this project. We would be happy to provide additional information on vehicle size trends, industry practices and references, etc, should those be assist the County in reviewing the waiver request.

MEMORANDUM

EXHIBIT 1: PARKING GEOMETRIC REFERENCES

PAGE 5 OF 6

Organization	Design Vehicle	Stall Width	90 deg Stall Length	90 deg Module	75 deg Module	65 deg Module	Notes	Reference
American Planning Association	6'4" x 16'9"	8'0" LOS D	17'6"	58'0" LOS D	54'0" LOS D	51'6" LOS D	²	Smith, Mary, "Parking Space Dimensions," in <i>Planning and Urban Design Standards First Edition</i> . New York: John Wiley & Sons, 2006.
		8'9" LOS A		61'0" LOS A	57'0" LOS A	54'6" LOS A		
Parking Consultants Council	6'7" x 17'3"	8'3" - 9'0"	18'0"	60'0"	56'0"	53'9"	³	Parking Consultants Council. <i>Recommended Guidelines for Parking Geometrics</i> , Washington DC: National Parking Association, 2002
Walker Standards	6'7" x 17'1"	8'3" LOS D	17'9"	58'6" LOS D	54'6" LOS D	52'3" LOS D	⁴	Chrest, Anthony, Mary Smith, et al. <i>Parking Structures</i> , Third Edition. Boston: Kluwer, 2001.
		9'0" LOS A		61'6" LOS A	57'6" LOS A	55'3" LOS A		
National Parking Association and Urban Land Institute	6'7" x 17'1"	8'6" - 9'0"	18'0"	60'0"	56'0"	53'9"	⁵	Smith, Mary and Christian Luz, "Parking Geometrics," in <i>The Dimensions of Parking Fourth Edition</i> . Washington, DC: Urban Land Institute, 2000.
Institute of Transportation Engineers	Not identified	Large Cars: 8'3" to 9'0" Small Cars: 7'6" to 8'0"	17'6"	61'0" large, 51'0" small, 59' one size fits all (20% small cars)	59' large, 49' small, 57' one size fits all (20% small cars)	Not on Table; interpolation indicates 54' for 65 deg	⁶	Pline, James (ed). <i>Traffic Engineering Handbook</i> . Washington, DC: Institute of Transportation Engineers, 1999.

² Based on/same dimensions in AIA's *Architectural Graphic Standards*, 10th Ed, (New York: John Wiley & Sons, 2000) which in turn was based on Walker standards in 1998

³ 8'9" to 9'0" recommended for high turnover, eg shopping centers. Design vehicle based on Walker research.

⁴ Level of Service B recommended for suburban retail

⁵ 8'9" to 9'0" recommended for high turnover (leg shopping centers.) Design vehicle based on Walker research. Standards based on prior edition of PCC *Recommended Guidelines for Parking Geometrics*

⁶ Recommendations given for separated small and large car stalls. Use composite dimensions for one-size fits all. WPC's current estimate of vehicles on road that can/should park in small car stalls is 20%. Based on/same dimensions as ITE Technical Committee 5D-8, *Guidelines for Parking Facility Location and Design*. Washington, DC: Institute of Transportation Engineers, 1994. This document has been withdrawn by ITE's Tech Council, with a recommendation to follow *Dimensions of Parking* latest edition.

MEMORANDUM

EXHIBIT 1: PARKING GEOMETRIC REFERENCES

PAGE 6 OF 6

Organization	Design Vehicle	Stall Width	Stall Length	90 deg Module	75 deg Module	65 deg Module	Notes	Reference
Historical References								
Eno Foundation, 1957	6'6" x 18'	8' to 9'	18'	59' to 68'			⁷	R Burrage and E Mogren. <i>Parking Saugatuck, CT: Eno Foundation for Highway Traffic Control</i> , 1957
Study for City of Los Angeles, 1971	no length	8'4" long term; 8'8" short term	18'	62.5' (for the stall widths at left)			⁸	C Bolden and R Roti, <i>A Parking Standards Report</i> , Los Angeles CA: Parking Standards Design Associates, 1971
Highway Research Board	6'8" by 18'9"	8.5' to 9.5'	18.5'	62' to 65'			⁹	<i>Parking Principles</i> Washington DC: Highway Research Board Special Report no 125, 1971
Eno Foundation, 1976	6'8" x 18'9"	8.5' to 9.5'	18.5'	62' to 65'			¹⁰	R Weant <i>Parking Garage Planning and Operation</i> Westport, CT: Eno Foundation for Transportation, 1976
Eno Foundation	Large Car: 6'5"x17'11" Small Car: 5'6' x 14'5"	Large car: 7.5' to 9.5' Small car: 5'6' x 14'5"	18'5"	59'-62'	57.5-59.5'	54.5-56.5'	¹¹	Weant and Levinson, <i>Parking</i> . Westport Ct: Eno Foundation for Transportation, 1990

⁷ Module decreases as stall width increases for same level of comfort

⁸ Different stall width on same module recommended for different user types.

⁹ Module decreases as stall width increases for same level of comfort

¹⁰ Module decreases as stall width increases; based on 1971 HRB study, but included recommendations for small car only stalls

¹¹ Dimensions within range to be selected on type of parking operation and user, available site dimensions, vehicle size mix and local zoning requirements

PARKING FACILITIES WAIVER REQUEST

INTRODUCTION

The Montgomery County Planning Board approved a site plan for the expansion and refurbishment of Westfield Montgomery Shopping Center, formerly known as Montgomery Mall, in a written Opinion dated April 25, 2005, Site Plan No. 8-05003.¹ The applicant is now seeking to amend that site plan approval to expand the approved redevelopment, from 300,000 square feet of retail to ~~525,000~~ **334,356** square feet.² At the time of the 2005 site plan approval, the Planning Board approved a reduction in the number of required parking spaces for this retail establishment, adopting a parking requirement of 4.5 spaces per thousand square feet (sf) of gross leaseable area (GLA). The applicant has requested that this parking standard of 4.5/1000sf of GLA (a reduction from the Zoning Code standard of 5.5 spaces/1000 sf of GLA) be approved for the revised site plan as well.

In providing for the necessary parking for the expansion, at the approved ratio of 4.5 spaces/1000sf of GLA, the applicant will be adding new parking structures on site and reconfiguring some of the existing parking facilities. As part of the site plan approval, the applicant is asking for a waiver in the application of certain requirements for the configuration and spacing of the parking spaces and drive aisles within the new north parking structure in order to minimize the size of the overall structure. The applicant believes these changes to the parking facility standards to be in keeping with industry standards and, if approved, will result in a more

¹ The Site Plan authorized the addition of approximately 300,000 square feet of new retail space. This site plan application was reviewed concurrently with a Preliminary Plan of Subdivision application for the shopping center parcel (Plan No. 1-05018). The written Opinion for the Preliminary Plan, dated April 28, 2005, approved an expansion of up to 500,000 square feet of gross leaseable area to the existing mall, for retail development totaling 1,752,172 square feet.

² The applicant recently acquired a small strip center known as Westlake Crossing that adjoins the mall. It has 25,000sf of existing GLA which the applicant seeks to incorporate into the Westfield Montgomery shopping center.

"comfortable" and efficient parking arrangement than if the standard specifications were literally applied.

CODE PROVISIONS

Under the County Zoning Ordinance, all garage or structured parking facilities require a parking facilities plan to be approved. Such plan, where there is site plan approval by the Planning Board involved, must be submitted to the Planning Board for its review and approval in conjunction with the site plan. (Code §§ 59-E-1.2, 59-E-2.1, and 59-E-4.1). Pursuant to Section 59-E-4.5, the Applicant seeks two waivers from the standard requirements of § 59-E-2.22 and § 59-E-2.41, respectively, as explained below.

The County Planning Board may waive any requirement of Article E if it is not necessary to accomplish the objectives of Section 59-E-4.2 (health, safety and welfare of those who use adjoining land or public roads, safety of pedestrians and motorists within the parking facility, safe circulation of internal traffic and proper location of entrances and exits so as to avoid congestion on public roads, and provision of appropriate lighting if the parking facility is used at night). In conjunction with any reductions approved, the Board may adopt reasonable requirements above the minimum standards. Review by the Board follows the site plan review procedures of 59-D-3, and includes referral to all adjoining property owners and affected citizen associations for requested waiver.

REQUEST

Applicant seeks (1) a change a change in the specifications for the size of angled parking spaces as set forth in § 59-E-2.22(c) and (g) and (2) a reduction in the drive aisle width as required by § 59-E-2.41, to avoid the need to build a larger, parking structure which the applicant

maintains is not necessary for the safe and efficient parking of mall patrons in the new parking structure.

Westfield requests that the parking dimensions within the new structured parking deck allow for:

- 1) an 8'8" stall at 75 degrees on a module of 56'; and
- 2) an 8'8" stall at 65 degrees on a module of 54'.

Strict adherence to the Code scheduled requirements would require that additional decks be added to the parking structure or that the structure be placed closer to the property boundaries. Larger structures would add prohibitively to the cost of the redevelopment.

JUSTIFICATION

The Applicant has retained a nationally recognized expert, Walker Parking Consultants, to study the parking facility configuration at the shopping center. The applicant and the consultant met with officials of the County's Department of Permitting Services (DPS) to discuss the County standards. The consultant's memorandum dated September 8, 2006, to Mr. David Niblock of DPS fully explains the waivers needed and the reasons for them. That memorandum is attached hereto as Exhibit A as part of our justification.

Westfield believes, based on its own experience as the owner and operator of dozens of shopping centers nationwide, that the proposed parking stall dimensions and drive aisles recommended by its parking consultant, will provide for the safe and efficient parking usage at Westfield Montgomery in the new parking structure north of the redevelopment. Westfield asks for favorable consideration of these waiver requests.

Attachments: *Memorandum Report of September 8, 2006 by Walker Parking Consultants*

Prepared by Furey, Doolan & Abell, LLP
September 12, 2006

ATTACHMENT E

Correspondence from Community

PETER J. DOWNES, PRESIDENT
MONTGOMERY MALL CITIZENS ADVISORY PANEL
7206 BEACON TERRACE
BETHESDA, MD 20817
(301) 365-3716

July 28, 2007

Ms. Melanie Moser
Montgomery County Planning Department
c/o Moser Consulting
501 West University Parkway, 2B
Baltimore, Maryland 21210

Chief Rose Krasnow, Chief, Development Review
Division
M-NCPPC, Montgomery County
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Ike Leggett, County Executive
Montgomery County
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Mr. Anthony Alessi, Development Director
Westfield
7101 Democracy Boulevard
Bethesda, MD 20817

Dear Ms. Moshier, Ms. Krasnow, Mr. Alessi, and Mr. Leggett:

The Montgomery Mall Citizens Advisory Panel (MMCAP) is providing its response to the proposed design of the Westfield Expansion of the Montgomery Mall in Bethesda, Maryland. This design concept was presented to the M-NCPPC, Montgomery County and members of the MMCAP on June 26, 2007.

The MMCAP is a Maryland non-profit organization established to represent the communities that were original signatories to the covenants associated with the rezoning of the Solomon Family land to allow for the development of the Montgomery Mall. Additionally, MMCAP has expanded to include those neighborhoods that will be impacted by any expansion of the Mall.

This response has been prepared by the directors of MMCAP with input from the citizens of the associated MMCAP neighborhood, and provides a detailed understanding of its concerns and some potential recommendations of changes to the design concept. This document provides the insight for the staff of Westfield and its architectural/engineering team to analyze and further develop its concept design with the goal of respecting the communities that surround Montgomery Mall.

The Board of Directors of MMCAP is available to review and discuss all of our concerns with Westfield and its architectural/engineering team in an open format. We welcome the Montgomery County Planning Department's input and professional evaluations in this process.

We look forward to the opportunity of further discussions and I am available to coordinate with Westfield, M-NCPPC, and the Board of Directors of MMCAP.

Sincerely,



Peter J. Downes
President, MMCAP

MMCAP
RESPONSE TO WESTFIELD DESIGN CONCEPT FOR EXPANSION OF MONTGOMERY MALL

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Introduction

MONTGOMERY MALL CITIZENS ADVISORY PANEL (MMCAP)

The Montgomery Mall Citizens Advisory Panel (MMCAP) is the confederation of local communities that border and are impacted by the existence and operation of Montgomery Mall. These communities include the original signors of the purchase agreement and covenants associated with the rezoning of land from the Solomon Family to the original Mall developers. Over approximately 50 years, the area around Montgomery Mall has evolved to its current configuration of primarily neighborhood communities of North Bethesda, Bethesda, North Potomac, Potomac, and Rockville, Maryland.

The primary goal of the MMCAP is to work closely with the stakeholders that will be impacted by Montgomery Mall in its current configuration and future expansions. These include Westfield, Montgomery County officials, Montgomery County Council members, and other interested parties. MMCAP's members consider Westfield Montgomery Mall to be a community asset and do not take issue with the plan to expand the Mall in principle. Through a series of meetings and briefings, the MMCAP has established a vision and plan that will mitigate the Mall's expansion with respect to traffic, pedestrian access, aesthetic vision and local neighborhood interaction with the Mall.

WESTFIELD'S VISION FOR MONTGOMERY MALL

Westfield and its architectural/engineering and consulting team have presented two designs over the past six months in briefings to the communities, MMCAP, and Montgomery County National Capital Parks and Planning Commission (MC-NCPPC). The overall motivation for the expansion and modernization of the Montgomery Mall as presented by Westfield and subsequently articulated through the Montgomery County Council is that Montgomery Mall is losing business to Tysons Corner Center and the county and state are losing retail and property taxes as well. Westfield claims that it is imperative to develop a plan to recapture this lost revenue through the expansion and modernization of Montgomery Mall.

The MMCAP respects this goal. However, the expansion of Montgomery Mall must not be to the detriment of the surrounding neighborhoods that constitute MMCAP. MMCAP also believes that the Montgomery Mall and its close proximity to the residential neighborhoods creates a unique situation that must be considered when designing the new expansion.

The original concept of a suburban Mall that services the surrounding neighborhoods was developed for the growing County in the 1950's, 60's and '70's. The County currently has several Malls similar to Montgomery Mall such as White Flint Mall, and Wheaton Plaza Mall. Each of these other Malls has evolved to a level that is equal to the concept proposed by Westfield in its current proposed configuration for the expansion of Montgomery Mall. These include a major theater, restaurant, and concessions area; expansion of structured parking; and the expansion of high-end retail entities. The unique element of the Montgomery Mall location is that unlike these other Malls, the surrounding neighborhoods remain intact. The expansion of residential housing around Montgomery Mall has grown, while the neighborhoods surrounding other Malls, including Tysons Corner Center, have been replaced with large commercial land bays. The commercial land bay expansion around Montgomery Mall has been confined to the area directly across from Westlake Terrace and I-270.

The proposed expansion fails adequately to consider the neighborhood edge between Westlake Drive and the western neighborhoods of North Bethesda and Potomac and the transportation impacts associated with the additional vehicular traffic. This expansion directs additional traffic to Westlake Drive, is visually incompatible with the surrounding neighborhood, fails to address pedestrian safety, and makes the community less viable as a walk-able, transit-friendly mixed-use area. This expansion also eliminates a major neighborhood amenity that is provided through the retail and service companies that constitute the tenants of Westlake Crossing

MMCAP members further believe that appropriate design changes can resolve these concerns, while allowing Westfield to expand its commercial space to the magnitude the current plan envisions.

PARTICIPATING COMMUNITIES

The Montgomery Mall Citizens Advisory Panel (MMCAP) is a coalition of communities in North Bethesda and Potomac. When the commercial zone at the site of what is now Westfield Montgomery Mall was first conceived, some of MMCAP's member communities consented to the rezoning in exchange for site design limitations, set forth in 1958 covenants of record. Other MMCAP member communities were built afterwards, but are now part of the same community.

The original signators to the 1958 covenants include:

- Ayrlawn
- Maplewood
- Marymount
- Luxmanor
- Old Georgetown Road
- Georgetown Village
- Wildwood Hills
- Alta Vista Terrace-Wyngate

Additional communities who are signatories to the MMCAP include:

- Chelsea
- Crestberry
- Devonshire
- Lakeview House
- Seven Locks Civic Association
- West Spring
- Westlake Park "A" (Westlake Park)
- Westlake Park "B" (Westlake Towers)
- Westlake Park "C" (Westlake Terrace)
- Windermere

An aerial photograph of a city street grid. A large, light-colored building is visible in the lower right quadrant, with the word "SOCIETY" printed on its side. The surrounding area is filled with smaller buildings, streets, and some greenery. The image is in black and white, with high contrast.

VISION FOR MONTGOMERY MALL AS A COMMUNITY MEMBER

MMCAP's vision for the Montgomery Mall expansion is to allow Westfield a viable development that meets its profit and retail mix projections, yet which also recognizes and mitigates impacts to community livability, the urban environment and the pedestrian and vehicular flow of affected residents. The original owners of the site recognized the impacts a large shopping mall would have on the region. Thus the covenants restricted the potential for structures and other elements that would change the massing, view sheds, and vehicular and pedestrian interaction surrounding the Mall. With this in mind, MMCAP has evaluated the Westfield design and has studied the Mall expansion impacts on the surrounding neighborhoods bounded by MD 355 (east), River Road (south), Falls Road (west) and Montrose Road (north).

MMCAP believes that Westfield should utilize the under-developed area between the existing Mall and I-270 to the greatest extent possible. Massive parking structures in particular should be restricted to the east side off the Mall. Locating the bulk of new parking near I-270 will greatly reduce visual impacts to the community and divert considerable traffic away from Westlake Drive. Shifting the bulk of the expansion towards I-270 will also provide space closer to the community for community-oriented retail and the transit center. Finally, shifting parking away from the neighborhood diverts secondary impacts associated with garage parking such as noise and crime.

MMCAP's vision for the western boundary of the Mall focuses on accessibility and livability consistent with mixed-use design principles. Community-oriented retail and transit must be provided in a configuration convenient to neighborhoods. Street-facing retail should include tenants similar to the existing Westlake Crossing, with a coffee shop, dry cleaners, bank, carry-out restaurants and the like. The retail façade and streetscaping should foster a lively, walkable, "main street" environment without barriers between retail and the sidewalk (but with green buffer between street and sidewalk so the sidewalk is inviting and not terrifying). Right-of-way must be provided by Westfield along Westlake Drive to ensure that the street itself supports safe multi-modal travel and crossings in the face of increasing traffic. Westlake Drive should be a traffic-calmed boulevard with a tree-lined median, pedestrian refuges, shoulder space and similar treatments.

MMCAP also envisions moving the transit center closer to Westlake Drive, as clearly called for by the 1992 North Bethesda/Garrett Park Sector Plan.

In saying that MMCAP believes these things, we mean to indicate that these are the consensus views of the communities that make up the MMCAP, established after repeated lengthy meetings involving wide-ranging discussions of the matters at hand and related developments of local, regional, national and global import. MMCAP has canvassed the participating communities through their representatives and has identified specific concerns and recommendations with respect to the Westfield Montgomery Mall expansion design. MMCAP believes that through dialogue and other communications the Mall can be expanded and the community enriched through a thoughtful expansion plan.

Concerns:

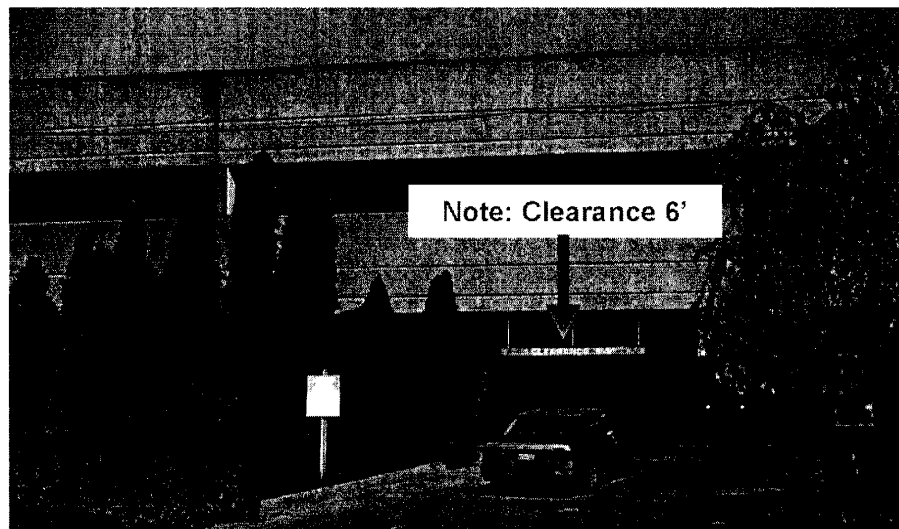
INTRODUCTION

On February 22, 2007, the MMCAP prepared a Position Paper (letter) to the Montgomery County Planning Department that articulated the concerns of the proposed Montgomery Mall Expansion as designed by Gensler Architects on behalf of Westfield. A copy of this letter is attached for reference purposes.

Westfield received a copy of this letter from the Montgomery County Planning Department and revised the design to its current configuration as proposed on June 26, 2007. The MMCAP has reviewed the revised drawings and are formally submitting herewith our continuing concerns and potential recommendations for the Montgomery Mall Expansion.

MMCAP has reviewed the concept design as revised and believes that Westfield has sought to respond in theory to the concerns of the communities.

However, the overall presentation does not fully represent or in some cases misrepresents, the future built expansion. The landscape plan



proposed as a visual green screen along Westlake Drive misrepresents the future planting size, both vertically and horizontally. The picture below depicts the actual size of trees proposed to be placed as a "landscaped green" along the façade of the existing garage on Westlake Drive. These 16-year old, mature trees show a maximum height of approximately 15 feet. The plan as proposed by Westfield would require that these trees have a growth at maturity of 35 feet. The rendering of the garage is not to scale for a facility that will ultimately reach a height of 66 feet above grade.

The design also allows for easy future expansion of additional structured parking along Westlake Drive at the location of the existing surface parking. This future parking would reverse the Westfield design that eliminated that portion of the parking garage that would impact the communities abutting Westlake Drive and the Mall.

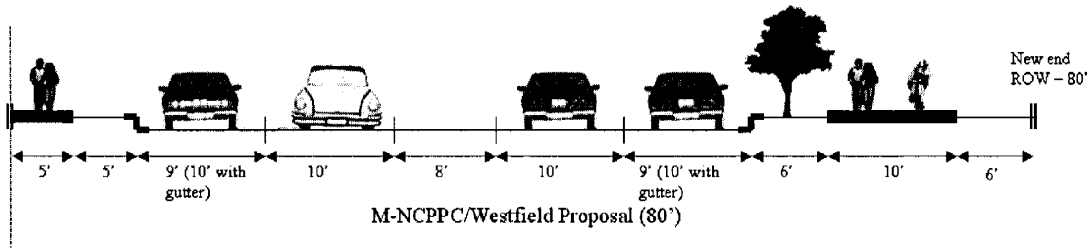
The MMCAP has received considerable comments relative to the expansion of Macy's towards Democracy Boulevard. The neighborhood communities of Crestberry and Devonshire are concerned that the building massing will become more obtrusive on the southwest side of the expansion and that the mature trees and landscape screening provided in earlier expansions will be eliminated or damaged.

MMCAP
RESPONSE TO WESTFIELD DESIGN CONCEPT FOR EXPANSION OF MONTGOMERY MALL

STREET PLAN (WESTLAKE DRIVE):

Concerns:

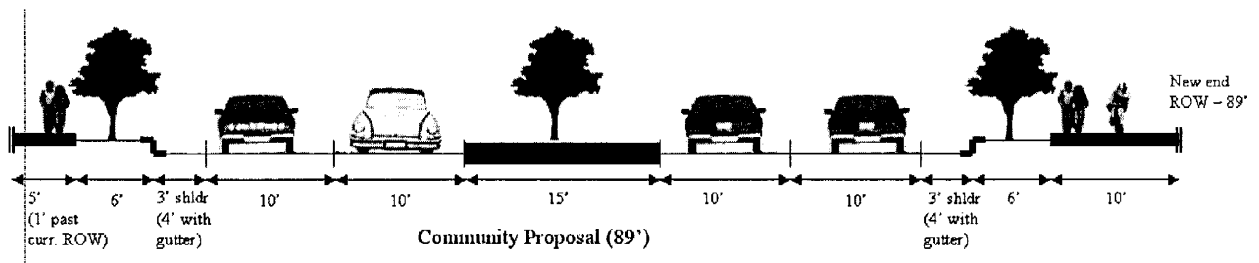
The revised plan (depicted below) omits most of the multi-modal street improvements requested by MMCAP for Westlake Drive. Most of MMCAP's desired improvements have already been supported by DPWT or M-NCPPC's transportation staff.



Recommendations:

MMCAP rejects the Westfield response in their briefing of June 26, 2007 "Community Traffic Requests" as wholly inadequate and non-responsive to MMCAP's concerns. MMCAP has updated its requests somewhat based on communications with the County, DPWT, and Westfield.

Reinstate the median (as depicted below). Per our earlier request, install a landscaped center median to replace the continuous two-way left turn lane. The median should be wide enough (14' to 15') to accommodate a 4' to 5' wide pedestrian refuge next to left turn lanes. That way the median can extend up to each intersection, making it a more effective pedestrian refuge (or barrier as warranted) and offering protection to drivers in left turn lanes from oncoming traffic. A wider median will also provide ample space for median trees and provide some measure of traffic calming. As an example, the median on westbound Veirs Mill Road as it approaches Ennalls Avenue is an effective center median with dimensions similar to those proposed by MMCAP for Westlake Drive.



Provide two more crosswalks. Provide two additional marked crosswalks across Westlake Drive between Westlake Terrace and the Mall entrance signal, including one at Lakeview Drive (a source of pedestrians) and one further south. The new plan's attempt to deter pedestrians from crossing anywhere along the 900' stretch of Westlake Drive south of Westlake Terrace is an unacceptable blow to pedestrian mobility. This is a critical segment where street-facing retail is now proposed, where Lakeview Drive enters and where residential density is highest. The

recent DPWT study recommended a midblock crosswalk at the existing southern entrance to Westlake Crossing shopping center, with a median island, and said that a crossing at Lakeview Drive would be feasible but for interference with the southern shopping center entrance, an entrance that is now going away. Clearly these crossings are viable. In addition, the April 6 correspondence we received from M-NCPPC supported a crosswalk at the then-northern mall garage entrance. At the April 12 meeting, DPWT staff spoke cautiously of midblock crossings generally but said such crossings can be provided at approved and designated locations.

Provide 3' shoulders. 3' shoulders (4' including gutter) would serve the quadruple purpose of supporting road cyclists (per the master plan), allowing wide or turning vehicles a "slop" area, creating extra separation between cars and sidewalks (especially where sidewalks cannot be moved), and allowing drivers to avoid (and avoid creating) potholes near the roadway edge. Adding shoulders is preferred over simply widening the car lanes which could invite faster driving. The Countywide Bikeways Functional Master Plan mandates on-road bike accommodations along Westlake Drive and this can be achieved even without further land dedication by marking 3' shoulders.

Provide 6' landscape panels with trees. Provide a 6' wide landscape panel between the street and sidewalk on both sides of Westlake Drive where possible. 6' provides a safety buffer for pedestrians and enough room for street trees. On the community side, we have contacted the organized communities and Lakeview House management, as requested by M-NCPPC transportation staff, to confirm their willingness to have the sidewalk moved further from the street (while avoiding existing trees and fencing).

Provide a sidewalk and shared use path. We endorse the plan to provide a 5' wide sidewalk on the west side of Westlake Drive and a 10' wide shared use path on the east side. However, an 8' path on the mall side is acceptable to us and meets requisite standards, if space doesn't permit a full 10' wide path.

While pedestrian volumes may be somewhat reduced by elimination of Westlake Crossing Shopping Center, there will certainly be ample pedestrian demand to the mall itself, to the transit center, to other retail and to employment destinations. The suggestion that convenient crosswalks and other pedestrian amenities are no longer justified in this mixed-use area is non-responsive to the neighboring communities.

Provide additional right-of-way. To permit a 15' wide median, Westfield must dedicate an additional 8 to 10 feet of right-of-way along Westlake Drive beyond the dedication already proposed. General Restrictions #1 of the original covenants placed on the Mall property explicitly grants the Montgomery County Council and M-NCPPC the right to request a portion of this right-of-way. It states the following:

"1. Upon request of the Montgomery County Planning Board, Maryland-National Capital Park and Planning Commission, Montgomery County Council or the Maryland State Roads Commission, or successor agency, additional right of way for public streets will be dedicated to provide the following right of way widths:"

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Intersection leg	Right of way width	Length of such width from midpoint of intersection	Rate of transition from such width to any narrower width
A. At intersection of New Bells Mill Road (Democracy Boulevard) and Collector Street #5 [<i>Westlake Drive</i>]			
E	150 ft.	340 ft.	6 ft. per 100 ft.
W	138 ft.	340 ft.	6 ft. per 100 ft.
N	140 ft.	300 ft.	6 ft. per 100 ft.
S	125 ft.	250 ft.	6 ft. per 100 ft.
B. At intersection of Collector Street #4 [<i>Westlake Terrace</i>] and #5 [<i>Westlake Drive</i>]			
Each Leg	92 ft.	300 ft.	6 ft. per 100 ft.

PARKING GARAGE

Concern

The proposed parking structure located along Westlake Drive from the Macy's expansion to a midpoint between Democracy Boulevard and Westlake Terrace remains as one of the most obtrusive elements of the Mall expansion. This building mass is unacceptable because it will overwhelm the neighborhoods adjacent to the mall; place greater traffic congestion along Westlake Drive and Democracy Boulevard (closest to the neighborhoods); increase noise and light pollution; and change the aesthetic of the Mall facing the neighborhoods

The proposed parking structure elevation is 65 feet. The contour of Westlake Drive, starting at Democracy Boulevard, declines to an elevation of 288 feet at its lowest point and then inclines towards Westlake Terrace to a level of 301 feet at its highest point. The parking structure will be placed on the existing surface parking at a grade of 301 feet to the top of the fifth floor slab of the proposed garage at an elevation of 366 feet. This does not include the penthouse for the elevators, light poles, or the perimeter wall of the fifth floor garage level. Many of the structures in the communities that abut Westlake Drive on the western side of the street start at an elevation that is equal to the Westlake Drive contour, or 288 feet up to 301 feet. Because the parking structure will be placed along the lowest point of Westlake Drive on a hill, the affect of the building mass will be a structure that rises over 80 feet from the road elevation.

Covenant Issue

MMCAP believes that the proposed parking structure design violates General Restrictions #11 of the original covenants placed on the Mall property by the land owner, Mr. John H. Solomon, which states the following:

"11. No structure shall exceed the following height limits:

- A) A height limit determined by a line extending inward and upward at a 45 degree angle to the horizontal from the outer edge of the landscape setback zone.
- B) The height limit set in the following schedule:

RESPONSE TO WESTFIELD DESIGN CONCEPT FOR EXPANSION OF MONTGOMERY MALL

12'-6"

17'-7"

STREET 280' +/-

WESTLAKE DRIVE

12'-0" BLDG. HT.

35'-0" SETBACK

R.O.W. LINE

MAX. BLDG. HT. - EL. 381'-0"

ARCHITECTURAL EMBELLISHMENTS AT FACADE

Covenant Height Limitation

TERRACED LANDSCAPE ALONG WESTLAKE DRIVE FRONTAGE

R.O.W./PROP. LINE

GARAGE NO. 1 BLDG. HT. MEASUREMENT POINT = 316'-0"

STREET ELEVATION AT 304'-6" BEYOND SHOWN FOR ILLUSTRATIVE PURPOSES.

G1-4: 380'-0" (FLAT ROOF)

G1-3: 348'-0"

G1-2: 335'-6"

G1-1: 323'-0"

G: 305'-5"

MMCAP has several recommendations that can be used to accommodate the Montgomery Mall parking requirement, while respecting the adjacent neighborhoods along Westlake Drive in accordance with the Covenants:

-
- Exterior Edge of new 2-level garage

MMCAP
RESPONSE TO WESTFIELD DESIGN CONCEPT FOR EXPANSION OF MONTGOMERY MALL

- 1.b. Pull the parking structure back towards the Mall so that the exterior wall of the garage is the hypotenuse of the garage triangle between Macy's and the new Mall expansion. This will greatly reduce the massing along Westlake Drive.

MMCAP understands that this will greatly reduce the number of parking spaces. To offset this reduction in parking spaces, the following alternatives are offered as locations for a large parking structure:

1. Utilize the area at the Northeast corner of the Mall property that includes the location for the new Bus Terminal and the Sears Automotive Center for a new multi-level parking structure. This location is the furthest area from the adjacent neighborhoods and is bounded by I-270 and Westlake Terrace. The first level of the structure could be an elevated floor-to-floor of approximately 24 feet to accommodate a Bus Terminal and the Sears Automotive Center, and allow for additional structured parking above the Bus Terminal. This area is approximately equal to the footprint of the proposed garage along Westlake Drive. This garage could accommodate the maximum FAR allowed by the County.
2. The development of the Mall excludes any expansion towards I-270 from Nordstrom's southeast to Westlake Terrace. The greatest opportunity for expansion with the least amount of disruption to the neighboring communities would be the expansion of the Mall towards I-270, as opposed to its current proposed design towards Westlake Drive. The current parking structure between Nordstrom's and Sears could be expanded without substantially changing the aesthetic along Democracy Boulevard and Westlake Drive.

In summary, Westfield has retained Gensler Architects, one of the largest and most notable design firms in the United States. MMCAP believes that the architectural team, with Westfield, can redesign the Mall expansion towards the Westlake Terrace and I-270 corridor, thus greatly reducing the impact of the adjacent neighborhood communities.

STREET-FACING RETAIL - CONFIGURATION

Concerns:

Westfield has proposed a single access and egress point on Westlake Drive into the expansion's new garage. By locating the garage in its current configuration and demolishing Westlake Crossing the MMCAP's communities are losing the transition from residential to single-story retail to large massing Mall retail.

Recommendations:

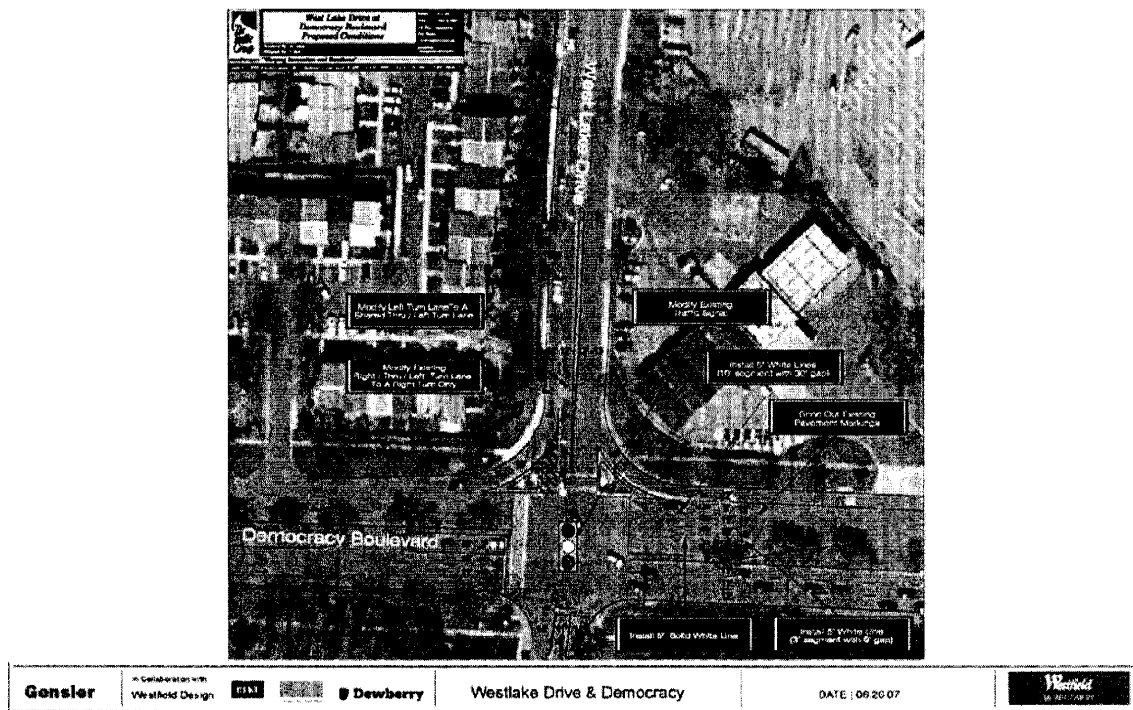
MMCAP considers the Mall area located the length of Westlake Drive from the gas station to Westlake Terrace as a potential opportunity to transition the Mall and the residential neighborhoods with a street-facing retail configuration. There are many examples of the new urbanistic and neighborhood friendly retail developments that will provide a buffer between the large Mall expansion, break up the Mall's exterior façade, and provide for the community retail that is currently serviced through the Westlake Crossing tenants. A prime example of this town retail concept is the New Rockville Town Center,

Ultimately, by relocating the monolithic parking garage on Westlake Drive to the potential areas within the Mall closer to I-270, the opportunity to maintain Westlake Crossing becomes far more viable. If the retaining the existing Westlake Crossing does not fit within the Westfield plan, a replacement street-facing retail area could be designed along Westlake Drive.

TRANSPORTATION PLAN AND INTERSECTION UPGRADES

Concerns

Westfield's Transportation Plan and Intersection Upgrades to the surrounding systems is generally acceptable to MMCAP. However, the decision to limit the lanes at the intersection of Democracy Boulevard and Westlake Drive southbound will greatly restrict the amount of vehicular flow from Westlake Drive east onto Democracy Boulevard and through Democracy Boulevard intersection to Westlake Drive and the neighborhoods of Devonshire, Crestberry and Wildwood Hills. MMCAP also believes that the restriction to one left hand turn lane southbound on Westlake Terrace will create vehicular congestion on Westlake Drive.



Recommendations

The recommendation is to maintain the intersection of Democracy Boulevard and Westlake Drive in its current configuration.

LACK OF DEVELOPMENT TOWARDS I-270

Concerns

MMCAP has analyzed the current Mall Expansion and has an overall concern that the new design of the retail expansion along Westlake Terrace is architecturally superior. However, it is placed directly facing the automobile retail establishments and the service side of the Home Depot Expo Center. The new expansion, with its aesthetic façade facing Westlake Terrace and the placement of a monolithic parking garage on Westlake Drive is the antithesis of prudent site planning and design excellence. MMCAP has visited many monolithic garages in Montgomery County and no matter how many trees or landscape screening elements are in place, it cannot hide the architecturally austere elements that make up a parking structure. The original

covenants expressed these concerns through the limitations on the massing of structures on Westlake Drive and recognized the potential for expansion towards I-270. The County's demand that the Transit Center be placed at the northeast corner of the Mall at Westlake Terrace and I-270 is in fact the greatest deterrent to placing additional structured parking in a location that will have the least impact to the residential neighborhoods.

Recommendations

The surface parking that currently exists for the Sears retail and Sears Auto Center is in the location that could be used for major garage structured parking should be re-evaluated. The County's request that the Transit Center be placed in a location that is the least desirable is deterring Westfield's from placing aesthetically devoid parking structures in this location. Westfield could build a parking structure at the location of the Transit Center equal to the size of the proposed parking structure along Westfield Drive with a first floor garage elevation that allows for the movement of buses similar to the North Bethesda Metro Center's Bus Lanes, under the existing office building.

A second option would be to build the new Transit Center approximately within its existing, current location which allows for a new parking structure to be constructed in the northeast corner of the mall, along I-270.

MMCAP also recommends that Westfield evaluate expanding the existing parking structure adjacent to Nordstrom's and I-270 for additional parking to replace the reduced parking structure along Westlake Drive.

Summary

MMCAP has expressed in overview format its concerns and potential recommendations for the expansion of the Montgomery Mall. The members of the MMCAP are available to discuss the multiple ways that a redesign of the Montgomery Mall expansion can both meet the needs of the community and the Business and Functional needs of Westfield. MMCAP would rather discuss these options in an open and productive "Charette" forum and select members are available to meet. An open dialogue between Westfield, the County, and MMCAP, can mitigate the communities' concerns, including:

- the redesign of Westlake Drive;
- providing adequate community-based retail;
- minimizing the intrusion of monolithic parking structures along the residential edge of the Mall; and,
- the reduction in impacts to the increased vehicular and pedestrian traffic

WESTLAKE PARK CONDOMINIUM "A"
7425 DEMOCRACY BOULEVARD
BOX C
BETHESDA, MARYLAND 20817-1228

August 11, 2006

Montgomery County Department of Park and Planning
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Ref: File Numbers 12005018A and 82005003A

Gentle People:

Westlake Park Condominium "A" is a condominium community of 63 units at 7425 Democracy Boulevard in the block immediately west of Westfield Shopping Town Montgomery Mall (Westfield Montgomery). Our community's Board of Directors has requested that I write this letter in response to Westfield Montgomery's proposed plans to expand. Our community is in the midst of about 2500 apartments and townhouses (or about 5000 residents) in about 12 communities within convenient walking distance to Westfield Montgomery. Although we are not authorized to speak for the other communities, we believe our concerns are shared by them.

Our community is concerned about 4 aspects of the proposed expansion.

First, Westlake Montgomery must provide space for neighborhood retail businesses equivalent to the number being lost at Westlake Crossing. Currently there are an inadequate number of neighborhood retail businesses in the area, and Westlake Crossing provides over half of them. The convenience of these neighborhood businesses is one of the attractions of living in this area, and destruction of Westlake Crossing will eliminate that convenience. You must realize that many of the people living in this area are seniors. Elimination of Westlake Crossing will make it less convenient, and more difficult, for many of us, especially the seniors, to continue to live here. Therefore, Westfield Montgomery should not be allowed to tear down Westlake Crossing unless Westfield Montgomery is required to provide space for an equivalent number of neighborhood retail facilities that is both nearby and convenient to our communities.

Second is the issue of traffic. As required by law, Westfield Montgomery must, at its expense, take steps to improve the traffic flow around the mall. There is nothing in the plans provided to us to indicate that Westfield Montgomery will do anything significant to improve traffic capacity and flow outside of the mall property in connection with the addition. That is something that has been required in county law for expansions and

renovations since the mall previously expanded (the mall's previous expansion was one of the projects that sparked consideration and enactment of that law). At present, traffic often backs up on Democracy Boulevard at rush hour and store closing times, and traffic is so bad on Democracy Boulevard and Westlake Drive at peak holiday shopping times that we often can't get into or out of our communities. Yet the expansion that is being proposed will provide 40% more space, and obviously, generate 40% more traffic. Westfield Montgomery must commit to providing meaningful improvements in traffic flow and capacity, as currently required by county law, before proceeding. These improvements should use property owned by the mall, not any of the greenspace that is part of the adjoining properties, and not the islands on Democracy Boulevard.

There is an additional traffic problem that Westfield Montgomery must solve. We are especially concerned about how the mall will handle parking and traffic during the construction phase so our communities are not impacted by traffic diversions and mall visitors attempting to use our private parking spaces for visits to the mall. We must be informed about the mall's plans to minimize the impact of the construction phase, and must be consulted in the making and implementation of those plans.

Third is the issue of security. Westfield Montgomery should be responsible for providing increased security in the area, including providing more security personnel at the mall itself, as well as patrolling of our neighborhoods, as a condition of the expansion. There have been occasional robberies, muggings, or attacks in our neighborhoods where the perpetrators came from or through the mall. This threat to our personal security and property can only increase with the increased traffic, congestion, and concentration of people at an expanded mall. Yet the County police field station was eliminated, and that space will now be part of the expanded mall. Accordingly, it should be the mall's responsibility to provide that additional security both in the mall and in the neighborhood surrounding the mall.

Fourth is the issue of Westlake pond. Recently, the county took over maintenance of the pond. We understand the county will be requiring the mall to filter all wastewater from the mall that is likely to reach the pond. We also understand the pond committee, to which we appoint one representative, has been working with the county and the mall to ensure the mall uses the best available technology and eliminates any pollutants. We congratulate both the county and the pond committee for their efforts and endorse the policy of zero pollution.

These are our current concerns. We reserve the right to expand on these concerns, or present additional concerns, at any public hearing. You can contact me at the above address or 301-365-0246 or ehrllichpolin@comcast.net. You can also contact our property manager, Glenn Loveland of Abaris Realty, at 301-468-8919 or GlennLoveland@aol.com

Sincerely yours,
Board of Directors
Westlake Park Condominium "A"

A handwritten signature in black ink, appearing to read "Alan M. Ehrlich". The signature is fluid and cursive, with the first name "Alan" being the most prominent.

Alan M. Ehrlich
President

cc: Westlake "A" Board of Directors
Neighboring Communities
Abaris Realty